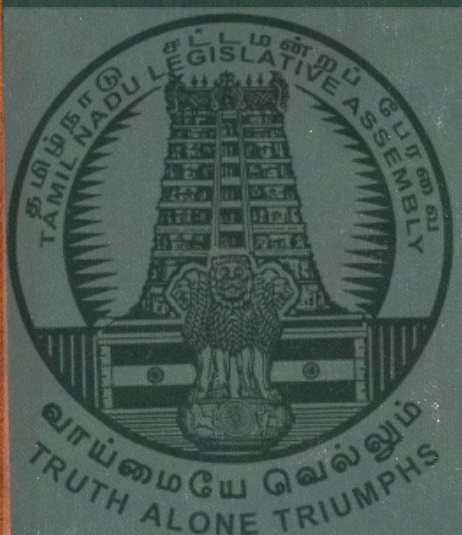






MADRAS LEGISLATIVE ASSEMBLY DEBATES

FIFTH SESSION OF THE LEGISLATIVE ASSEMBLY
UNDER THE CONSTITUTION OF INDIA.

Volume XI (Nos. 1 to 7).

4th to 9th and 11th January 1954.

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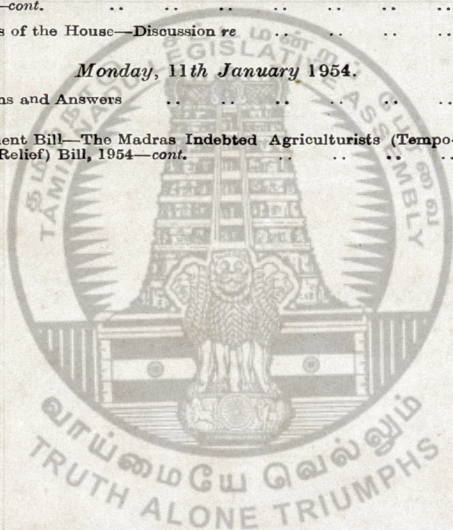
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REFERENCE COPY



THE MADRAS LEGISLATIVE ASSEMBLY

Monday, 4th January 1954.

The House met in the Assembly Chamber, Government Estate, Mount Road, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Gandhi Statue at Avalurpet.

* 272 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Land Revenue be pleased to state whether the demolition of the wall constructed between the dwelling house and the Gandhi Statue at Avalurpet, Gingee taluk, South Arcot district, ordered by the High Court, has been carried out; and if so, when?

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Yes, Sir. On 12th October 1953."

SRI K. R. VISWANATHAN:—"May I know why and by whom the wall was constructed and what was the basis for the order of the High Court?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"The wall was constructed by some local residents. It was objected to. It was a matter of proceedings both before the Subdivisional Officer and the High Court. Finally, the High Court ordered that it may be demolished and it was demolished."

SRI V. GOPALA GOUNDER:—"May I know whether the persons responsible for the construction of the wall were prosecuted?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"I want notice, Sir."

Subsidy for the construction of wells in the South Arcot district.

* 273 Q.—SRI A. RATNAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many wells were constructed in the Cuddalore taluk of South Arcot district in 1952-53 with the help of Government subsidy or loans;

(b) how much amount was granted as subsidy for sinking wells;

(c) what is the amount of loan granted for sinking wells; and

(d) whether any agriculturists belonging to the Harijan Community received such benefits from the Government and the particulars of such benefit?

[4th January 1954]

THE HON. SRI M. A. MANICKAVELU NAICKER :—“(a) Eleven wells.

“(b) It is presumed that the hon. Member refers to subsidy loans granted. The figures are—

Rs. 85,000 for 1950-51 and Rs. 1,02,500 for 1951-52.

“(c) It is presumed that the hon. Member refers to takkavi loans. The figures are—

Rs. 2,950 for 1950-51 and Rs. 4,800 for 1951-52.

“(d) No Harijan agriculturists received the benefit in those two years.”

SRI A. RATNAM :—“ஹரிஜனங்களிடமிருந்து குடிதண்ணீருக்காக கிணறுகள் வெட்ட வேண்டும் என்றும், எத்தனை கிணறுகள் வேண்டும் என்றும் எத்தனை மனுக்கள் வந்தன? அதில் எவ்வளவு மனுக்கள் கவனிக்கப்பட்டன? எவ்வளவு மனுக்கள் நிராகரிக்கப்பட்டன?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“If a separate question is put, I will answer it.”

DR. K. B. MENON :—“May I know on what basis these loans are determined, who determines these loans, and are these loans available to-day for distribution all over the State?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“Yes, Sir, these loans are available for distribution all over the State. Local revenue officials enquire into applications and if the rules are satisfied, they sanction the loan.”

SRI A. RATNAM :—“1952-53-ம் வருடத்தில் எவ்வளவு ஆர்டிசன் கிணறுகள் வெட்டப்பட்டிருக்கின்றன?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“I cannot say whether there are any artisan wells at all under that category.”

Minimum wages for plantation workers.

* 274 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Industries and Labour be pleased to state whether there is any proposal under consideration of the Government to implement the minimum wages paid to the plantation workers in Travancore-Cochin State to the Plantation workers in Madras State and if so, when this will be implemented?

THE HON. DR. U. KRISHNA RAO :—“No proposal of the kind mentioned in the question is under consideration.”

SRI K. P. GOPALAN :—“Some of the plantation owners of Travancore-Cochin State have plantations in this State also. Whereas they pay Rs. 1-9-6 for first grade workers and Rs. 1-4-0 for second grade workers per day in Travancore-Cochin State, they pay only Rs. 1-5-0 for first grade workers and Re. 1 for the second grade workers in this State. Will the Hon. Minister for Industries and Labour be pleased to ask these owners to pay the same wages to the workers working in this State, as they pay to those working in the Travancore-Cochin State?”

4th January 1954]

THE HON. DR. U. KRISHNA RAO :—“ The Government do not propose to fix the same wages to workers in this State as those obtaining in the Travancore-Cochin State. This question has become an industrial dispute and has been referred to the Tribunal for plantation workers.”

SRI K. P. GOPALAN :—“ The State Government did not enforce the provisions of Minimum Wages Act according to which the workers will have to get one day's holiday with wages. May I know why this Government have not enforced the provisions of this Act till now and whether they will take early steps to do it? ”

THE HON. DR. U. KRISHNA RAO :—“ A separate question may be asked, Sir. However, I wish to submit that this has nothing to do with the original question.”

SRI C. KANDASAMY :—“ திருவிதாங்கூரில் அதிகமாக கூலி கொடுப்பதற்கு காரணம் என்ன? இங்கு ஏன் குறைவாகக் கொடுக்கப்படுகிறது? ”

THE HON. DR. U. KRISHNA RAO :—“ The answer is evident. The minimum wage was fixed on the basis of physical capacities, efficiency, outturn and scales of wages in surrounding areas of the Madras State.”

SRI S. RAMALINGAM :—“ கனம் மந்திரி அவர்கள் பதில் சொல்லியதிலிருந்து நம்முடைய தேயிலை தோட்டத் தொழிலாளிகளுக்கு வேலை திறமையே இல்லாமல் இருப்பதாகத் தோன்றுகிறது. அது எப்படி இருந்தாலும், அவர் சொல்லக்கூடிய இண்டஸ்ட்ரியல் டிஸ்பூட் டிரிபூனலுக்கு அவர்களுக்குள் ஏற்பட்டிருக்கிற தகராறுகளை ‘refer’ பண்ணிவிட்டார்களா? அப்படி ‘refer’ பண்ணி இருக்கிறார்களா? அதற்கு என்ன நடவடிக்கைகள் எடுத்திருக்கிறது? ”

THE HON. DR. U. KRISHNA RAO :—“ I do not agree with the conclusions the hon. Member is arriving at. I have not said anything disparaging about the capacity of the workers. This question was stayed because of a writ petition before the High Court and was dismissed. The whole question is now before a Tribunal.”

SRI V. BALAKRISHNAN :—“ Irrespective of the proceedings before the Tribunal, if the Government are satisfied that the basic wages that these plantation workers are now getting are not human wages, will the Government take early steps to provide them with human wages? ”

THE HON. DR. U. KRISHNA RAO :—“ That is why the Government have referred the matter to a Tribunal, which, I am sure, will take all these points into consideration while arriving at a conclusion.”

MR. SPEAKER :—“ When the matter is pending before a Tribunal, I do not think it is proper to put too many questions on it. There are many rulings on this point and I have also previously quoted the rulings from other places. The consideration of the subject should not be prejudiced by too many questions.”

[4th January 1954]

Construction of an anicut across the Kandaka stream in South Kanara.

* 275 Q.—SRI K. VENKATARAMANA GOWDA : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have any proposal for constructing an anicut across the Kandaka stream in South Kanara;

(b) whether this proposal includes the construction of a bridge over the stream;

(c) whether that bridge work is included in the Post-war Road Development Scheme; and

(d) whether it is a fact that the public have been urging Government to construct this bridge?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“(a) The proposal was examined by the Government but deferred as being very uneconomic the estimated cost being Rs. 3 lakhs for irrigating an area of only about 100 acres.

“(b) Yes.

“(c) No.

“(d) Yes. The question of constructing this bridge will be considered at the time of preparing the next list of works to be financed out of the States allocations from Central Road Fund.”

Community Projects in Palghat.

* 276 Q.—SRI A. APPU : Will the Hon. the Minister for Agriculture be pleased to state—

(a) the total amount placed at the disposal of the officer in charge of the Community Projects in Palghat;

(b) the total amount spent so far; and

(c) whether there is any proposal to withdraw the unspent balance and allot it to other Community Projects in the State?

THE HON. SRI M. BHAKTAVATSALAM :—“(a) Rs. 13.60 lakhs was placed at the disposal of the Project Executive Officer, Palghat, for one year ended 30th September 1953.

“(b) Rs. 3.48 lakhs.

“(c) No, Sir.”

SRI A. APPU :—“May I know the reason for not spending the full allotment during the year? In answer to a supplementary question put by me last month, the Hon. Minister stated that the question of reviving the post of Project Officer will be discussed and the Government will come to a decision. May I know whether the Government have come to any decision in regard to this matter?”

4th January 1954]

THE HON. SRI M. BHAKTAVATSALAM :—“ With reference to the first part of the question, I have already answered in reply to another question that some months had been spent in undertaking a survey of this area and in attending to certain preliminaries which had to be settled. Further, the people's enthusiasm had to be roused so as to make them come forward with their contribution. Without such contributions, the allotment amount could not be spent. That is why the full allotment amount could not be spent during the year.

“ With reference to the second part of the question, I have discussed the question of having a separate Project Executive Officer for the community project area in Palghat. I have now found that it would be advantageous and it would be in the interests of the project itself if the Revenue Divisional Officer was also functioning as Project Executive Officer. In this connexion, I have been assured that there will be definite advantage and the work of the Project Officer will not suffer on any account.”

SRI R. KRISHNAN :—“ പാലക്കാട് പ്രോജക്ട് ഏരിയയിൽ എലക്ട്രിസിറ്റി സൗകര്യം ലഭ്യമാക്കി എന്ന് ഉറപ്പു നൽകാൻ കഴിയില്ലേ ? ” 11-10 a.m.

THE HON. SRI M. BHAKTAVATSALAM :—“ I would like to have notice, Sir.”

SRI C. KANDASAMY :—“ ஒதுக்கப்பட்டு இருக்கும் ஆறு லட்ச ரூபாயைக் கூட உபயோகப்படுத்திக்கொள்ள உற்சாகம் இல்லை என்று சொல்வதால் அது மக்களுடைய குற்றமா அல்லது திட்டத்தின் குற்றமா ? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ That refers to the particular feature of the scheme. That also means that people's enthusiasm has to be roused both by the officers and non-officials.”

Survey and Settlement of Estates in the Chingleput district.

* 277 Q.—**SRI V. K. RAMASWAMY MUDALIAR :** Will the Hon. the Minister for Land Revenue be pleased to state when the Survey and Settlement of estates in Chingleput district will be completed?

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ The survey and settlement operations have been completed in respect of a few estates notified under the Abolition Act in the Chingleput district. The work already done was attended to before partition of the State by the Range office, and the Branch Settlement Office, Chittoor. The operations are carried on according to a programme drawn up in advance. There is a proposal to convert the detachment at Pattukottai into a full survey party. The staff that will be sanctioned for this party will be trained and put into Chingleput district for survey. The settlement work will be taken up after the survey is over. It is not possible to say now when the survey and settlement work in the Chingleput district will be completed.”

[4th January 1954]

SRI K. VINAYAKAM :—“ May I know what the estates are that have yet to be surveyed and settled? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Sir, I will mention the estates that have so far been surveyed. Kachanad estate . . . ”

SRI K. VINAYAKAM :—“ I want to know the estates yet to be surveyed . . . ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ If I furnish information regarding estates that have been surveyed, the hon. Member may from that information know the estates to be surveyed yet. The total number of estates in the district are : Zamin estates—334; under-tenure estates—22; inam estates—217. Now the survey of the Kachanad estate belonging to the Tirumalai-Tirupati Devasthanam as well the 22 under-tenure estates attached to it and the single village zamin estate called Surumbudur have been surveyed. The rest have not been surveyed.”

SRI S. RAMALINGAM :—“ எடுத்துக்கொள்ளப்பட்ட ஓமீன் கிராமங்களும், இனம் கிராமங்களும் பல வருஷங்களாக சர்வே செட்டில்மெண்ட் செய்யப்படாமல் இருப்பதால் சாதாரணமாக விவசாயிகளுக்கு அவர்களுடைய சாகுபடிக்குக் கடன் வாங்கக்கூட வசதி இல்லாமல் கஷ்டப்பட்டுக்கொண்டிருக்கிறார்கள். அதனால் ஒவ்வொரு ஜில்லாவிலும் சர்வே அண்ட் செட்டில்மெண்ட் செய்து முடிக்க ஒரு யூனிட்டை துரிதமாக ஏற்படுத்த சர்க்கார் முயற்சி எடுப்பார்களா? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Yes, Sir. We are taking all possible steps and in one of our orders we have also stated that the whole thing should be carried on on a war-footing.”

SRI S. DEIVASIGAMANY :—“ When did the survey work actually commence and what is the amount that has so far been spent? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Surely, Sir, my hon. advocate Friend must know that I require notice to answer this question.”

SRI S. C. C. ANTHONY PILLAI :—“ According to the estimate of Government, when will this work be completed? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ I have already said it is not possible to say exactly when this work will be completed. I can only give a rough idea but that won't satisfy hon. Members.”

Postponement of the collection of takkavi loans.

* 278 Q.—SRI K. ARANGANATHAN : Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether any memorandum by Sri K. Aranganathan was submitted for the postponement of the collection of takkavi loans during the month of July 1953; and

(b) what action the Government have taken on that?

4th January 1954]

THE HON. SRI M. A. MANICKAVELU NAICKER :—“(a) Yes.

“(b) Government have issued orders that coercive processes for the collection of loan instalments be stopped till 30th November 1953 in the drought-affected areas of Gingee and Tindivanam taluks of South Arcot district.”

SRI K. ARANGANATHAN :—“தக்காவி லோன்களை ஒத்தி வைக்க வேண்டும. என்று ஜூலையில் மெமோராண்டம் கொடுத்ததினமீது நவம்பர்மீ 30-ம் தேதிவரையல் பலாத்கார முறையில் வசூல் செய்யாமல் நிறுத்தி ஷவக்க வேண்டும் என்றும், தாசில்தாருக்கு தாக்கீது வந்துள்ளது. அதன்மீது தாசில்தார் கொடுத்திருக்கக்கூடிய டிமாண்டை நிறைவேற்ற வேண்டாம் என்று மணியக்காரர்களுக்கு கொடுத்த உத்தரவு டிசம்பர் மாதத்தில் சாதா செய்யப்பட்டிருக்கிறது. இது ரண் சிகிச்சை வெற்றிகரம் ஆனால் நோயாளி இறந்துவிட்டார் என்பதை ஒக்கும் அல்லவா? ஏன் இவ்வளவு கால தாமதம்? ஏன் இந்த உத்தரவை சம்பந்தப்பட்ட சங்கத்தினருக்கு தெரிவிக்கவில்லை?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“The hon. Member is giving me much information, Sir. I shall look into the matter.”

SRI R. V. SWAMINATHAN :—“May I know, Sir, who is this Ranganathan, who has submitted the memorandum to Government?”

SRI Y. MANJAYA SHETTY :—“Will the Government consider the desirability of postponing collection of takkavi loans as is done in other cases of debts under Ordinance 5 of 1953 so as to benefit the agriculturists?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“Postponement of collection of these loans are ordered on the merits of each case.”

SRI S. RAMALINGAM :—“1953-ம் ஆண்டு நவம்பர்மீ 30உ வரையில் இந்த கடன்கள் வசூல் பண்ணுவதற்கு கெடுபிடி செய்யக்கூடாது என்று சர்க்கார் உத்தரவிட்டிருப்பதாக கணம் மந்திரி அவர்கள் சொன்னார்கள். 30-ம் தேதிக்குப் பிறகு கெடுபிடி செய்து, வீடுவாசலை ஜப்தி செய்து கடனை வசூல் செய்யலாம் என்பது அந்த உத்தரவின் அர்த்தமா?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“I do not exactly understand the question, Sir.”

SRI S. RAMALINGAM :—“1953-ம் ஆண்டு நவம்பர்மீ 30உ வரையில் சர்க்கார் தக்காவி கடன்களை வசூல் செய்வதில் கெடுபிடி செய்யக்கூடாது என்று சர்க்கார் உத்தரவு இருப்பதாக கணம் மந்திரி அவர்கள் சொன்னார். 30-ம் தேதிக்குப் பிறகு என்றால் 1953-ம் ஆண்டு டிசம்பர்மீ 1உயிலிருந்து கெடுபிடி செய்து விவசாயிகளுடைய வீடு வாசலை ஜப்தி செய்து கடனை வசூல் செய்யலாம் என்பது இந்த உத்தரவின் அர்த்தமா?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“No, Sir. That is not the meaning of what I said. The ryots are given a breathing time. During that time, they may have a crop and they may be able to pay the debts after 1st December 1954. ‘Gadubadi’ won’t come all at once. It will come only in due time.”

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SRI R. V. SWAMINATHAN :—“ In answering a supplementary question the Hon. Minister said that postponement of collection of these loans are ordered on the merits of each case. May I know the basis the Government propose to adopt to sanction postponement of collection in individual cases? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ Famine conditions and the incapacity of the people to pay and so many other considerations of which hon. Member is himself aware.”

SRI V. GOPALA GOUNDER :—“ May I know the amount that was outstanding on the date when the memorandum was received by Government and how much was collected by the time the order was issued by the Government? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ A separate question may be put, Sir.”

Special judicial tribunal for settling disputes between the workers and owners of plantations.

* 279 Q.—SRI K. P. GOPALAN : Will the Hon. the Minister for Industries and Labour be pleased to state whether the Government have any proposal at present to appoint a special judicial tribunal for settling disputes between the workers and owners of plantations in this State?

THE HON. DR. U. KRISHNA RAO :—“ Yes, Sir, the matter is under the consideration of Government.”

SRI K. P. GOPALAN :—“ Will the Hon. the Minister be pleased to state whether Government have taken any definite decision to appoint the Tribunal? ”

THE HON. DR. U. KRISHNA RAO :—“ Yes, Sir, I expect orders to be passed within a week at the most.”

SRI S. C. C. ANTHONY PILLAI :—“ Have Government received any representations or complaints about the existing Tribunal? ”

THE HON. DR. U. KRISHNA RAO :—“ I am afraid, Sir, I cannot answer that question.”

Plight of the ex-employees of the tramways.

* 280 Q.—SRI M. PALANIYANDI : Will the Hon. the Minister for Industries and Labour be pleased to state what steps the Government have taken to find a solution to the plight of the 1,500 tramwaymen who have become unemployed on account of the stoppage of trams?

THE HON. DR. U. KRISHNA RAO :—“ The Transport Commissioner has been instructed to absorb in his department as many ex-employees of the tramways as possible in vacancies

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in posts for which they may be suitable, excluding posts like those of clerks in which employees of the State Government, discharged as a result of the partition, could be employed."

SRI M. PALANIYANDI :—"இதுவரையில் எத்தனை தொழிலாளர்கள் வேலைக்கு எடுத்துக்கொள்ளப்பட்டிருக்கிறார்கள் என்று சொல்ல முடியுமா?"

THE HON. DR. U. KRISHNA RAO :—"Fifteenth December 1953, I think, was the last date before which application for employment should be received by the Transport Department. A committee consisting of the Joint Transport Commissioner, the Deputy Commissioner of Police, the Assistant Commissioner or the Mechanical Engineer is to examine and select candidates for appointment."

SRI C. KANDASAMY :—"தொழிலாளர்களுக்கு பாதுகாப்பு அளிப்பது போல் டிராமில் பிரயாணம் செய்யப்பட்ட லட்சக்கணக்கான மக்களுக்கு பாதுகாப்பு அளிக்கப்பட்டிருக்கிறதா? அவர்களுக்கு நிவாரணம் அளிக்க எவ்வளவு பணிகள் சிட்டியில் அதிகப்படுத்தப்பட்டிருக்கிறது?"

MR. SPEAKER :—"I think the hon. Member is straying away from the main question."

THE HON. DR. U. KRISHNA RAO :—"I will answer the question if permitted by the Hon. Speaker."

MR. SPEAKER :—"This does not at all arise out of the main question."

THE HON. DR. U. KRISHNA RAO :—"Then I shall bow to your decision, Sir."

SRI S. C. C. ANTHONY PILLAI :—"Will the Hon. Minister be pleased to state the qualifications that are expected to be possessed by these tramway workers and if a minimum qualification is insisted upon whether it will not reduce the number of workers being re-employed?"

THE HON. DR. U. KRISHNA RAO :—"From the details available in the note before me, I am not aware whether any minimum qualification has been prescribed. If the hon. Member puts a separate question, I shall answer, Sir."

SRI M. PALANIYANDI :—"கனம் மந்திரி அவர்கள் பதில் சொல்லும் போது ஏதோ ஒரு கமிட்டிக்கு இதை அனுப்பி வைத்து அவர்களுக்கு வேலை கொடுக்கவேண்டும் என்று சொல்லியிருப்பதாகச் சொன்னார். அவர்கள் இவர்களை வேலைக்கு எடுத்துக்கொள்ளாததால் அநேகம் பேர்கள் வேலை இல்லாமல் தற்கொலை செய்துகொள்ளும் நிலைமையும் ஏற்பட்டிருக்கிறது. ஆகையால் இன்மேலாவது அவர்கள் தற்கொலை செய்துகொள்ளாமல் இருக்க அவர்களை வேலைக்கு எடுத்துக்கொள்ள ஏதாவது சீக்கிரம் நடவடிக்கை எடுக்குமா?"

11-20
a.m.

THE HON. DR. U. KRISHNA RAO :—"If by that, the hon. Member refers to suicide, I am not aware of any such case."

SRI T. ANANTA PAI :—"May I know how many of these 1,500 men are likely to be absorbed?"

THE HON. DR. U. KRISHNA RAO :—"It may be about a couple of hundreds or a little more."

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SRI K. VINAYAKAH :—“ Is it not a fact that in the matter of recruitment to the Transport Department, only applicants sponsored by the Indian National Trade Union Congress are encouraged and applicants sponsored by the Unions affiliated to the Communist Party are not properly encouraged? ”

THE HON. DR. U. KRISHNA RAO :—“ I am afraid, discretion must be given to the Committee which select these men. I am not aware of the discrimination referred to by the hon. Member. At any rate, no order from the Government has gone to that effect.”

SRI S. RAMALINGAM :—“ வேலையில்லிருந்து நீக்கப்பட்டிருக்கக்கூடிய இந்த 1,500 டிராம்வே தொழிலாளிகள் இதர தொழிற் சங்க காரியங்களில் ஈடுபட்டிருக்கிறார்கள் என்பதற்காக ஓரவெஞ்சினையாய் நடத்தப்பட்டிருந்தால், அந்தக் காரணத்தைக் காட்டி அவர்களுக்கு வேலை கெடுக்கமுடியாது என்று சொல்லமாட்டோம் என்று சர்க்கார் அதற்கான உத்தரவுகளை அனுப்பிப்பார்களா? ”

THE HON. DR. U. KRISHNA RAO :—“ I am afraid, the hon. Member is asking a hypothetical question. If he gives any specific instance, I will answer it.”

SRI K. C. GOPALAN UNNI :—“ கனம் டிரைவர்களை நிரந்தரமாக நியமிக்கக் கூடிய உரிமை உண்டா? டிரைவர்களை நிரந்தரமாக நியமிக்கக் கூடிய உரிமை உண்டா? ”

THE HON. DR. U. KRISHNA RAO :—“ No, Sir, at the present moment, we have got the Joint Transport Commissioner, The Deputy Commissioner of Police (Traffic and Licensing) and also, in the case of traffic staff the Assistant Transport Commissioner and in the case of technical staff, we have got the Mechanical Engineer. I do not know whether the category referred to by my hon. Friend will be qualified to select.”

SRI T. S. ARDHANARI :—“ டிராம்வே தொழிலாளிகளுக்கு ஏதாவது நியோஜனம் கொடுப்பதற்கு சர்க்கார் யோசித்துக்கொண்டிருக்கிறதா? ”

THE HON. DR. U. KRISHNA RAO :—“ I am afraid that this question has nothing to do with the main question.”

DR. K. B. MENON :—“ In view of the fact that the question was raised on the floor of this House, will the Government consider the desirability of issuing instructions that no discrimination should be made on the basis of parties to which these men belong? ”

THE HON. DR. U. KRISHNA RAO :—“ It is presumed that no discrimination will be made. The fact that the Government have not passed any such order is sufficient proof that they do not expect this Committee to show any discrimination. The Committee consists of responsible officers and I am sure, they will do justice.”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, the hon. Members should drop their natural apprehensions in this matter. The policy of the Government is to test the applicants only on the basis of the qualifications required for the new employment. It has nothing to do with their politics.”

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Collection of interest on the amounts due from P.C.C. Societies, Malabar.

* 281 Q.—SRI K. C. GOPALAN UNNI: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have received complaints from Producer-cum-Consumers Co-operative Societies of Malabar regarding the collection of interest by the Collector on the amounts due from them;

(b) whether it is a fact that the Societies are asked to pay interest for the period of delay which occurs in the Collector's Office for entering the collections made from the Societies; and

(c) what action the Government propose to take to remove this inconvenience?

THE HON. SRI C. SUBRAMANIAM:—“(a) Yes.

“(b) No.

“(c) In view of the answer to clause (b), this does not arise.”

SRI K. C. GOPALAN UNNI:—“എന്റെ അഭിപ്രായത്തിൽ പല സൊസൈറ്റികൾക്കിനും ചെറുത്തുകിട്ടും കണക്കുകൾ വെച്ചുപറ വെച്ചു ടിവാസത്തിലായിരിക്കും താമസം വരുന്നത്. അതിനെ കുറയ്ക്കാൻ ഗവണ്മെന്റ് എന്തു നടപടി എടുത്തിട്ടുണ്ട്?”

THE HON. SRI C. SUBRAMANIAM:—“In addition to the language difficulty, I am afraid, the hon. Member has got the throat difficulty also.” (Laughter.)

SRI M. NARAYANA KURUP:—“Due to exigencies of import, sometimes the societies are asked to stock far more than is necessary and the Government collect interest from them at 4½ per cent. At the same time, stocks are released through them which take months if not years for the Government to account for. While they claim interest, they do not allow interest on cross claims. Will the Government be pleased to consider this aspect of the question.”

THE HON. SRI C. SUBRAMANIAM:—“As regards the stocking of foodstuffs, the question of interest does not arise up to a period of three months. As a matter of fact, the margin allowed for the wholesalers include interest for these three months. After three months, four per cent interest is provided for the co-operative societies also. I do not think, as far as the societies are concerned, there is any difficulty with regard to this interest.”

Palmyra tax in Tirunelveli district.

* 282 Q.—SRI N. K. PAIANISAMI: Will the Hon. the Minister for Land Revenue be pleased to state the amount collected as palmyra tax in 1952-53 in Tirunelveli district?

THE HON. SRI M. A. MANICKAVELU NAICKER:—“The demand under palmyra tree tax in Tirunelveli district for the year 1952-53 is Rs. 1,82,269-6-0. The tax is collected along

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with land revenue. It is not shown separately in the collection accounts at the taluk and district levels. It is therefore *not* possible to give the amount of palmyra tax actually collected in 1952-53 out of the total demand of Rs. 1,82,269-6-0."

SRI N. K. PALANISAMI :—"இராமநாதபுரம், திருநெல்வேலி ஆகிய இரண்டு ஜில்லாக்களில் மட்டும் பனைமரத்தின்பேரில் வரி வாங்கக் காரணமென்ன?"

THE HON. SRI M. A. MANICKAVELU NAICKER :—"That is ancient history. I cannot go into the matter now."

SRI P. SELVARAJ :—"In view of the fact that the Government have collected both the land tax and the palmyra tax, may I know whether the Government will consider the desirability of giving a rebate?"

THE HON. SRI M. A. MANICKAVELU NAICKER :—"The new rule will come into force from the current *fashi*. Even by that, the Government will be losing an income of about two lakhs of rupees."

SRI K. R. SAMBANDAM :—"பனைமரத்தின்மீது விதிக்கப்படும் வரி சம்பந்தமாக மேல்சபையில் ஒரு அங்கத்தினர் ராஜினாமா பண்ணியதை சர்க்கார் அங்கீகரித்துவிட்டதா அல்லது அது சம்பந்தமாக என்ன நடவடிக்கை எடுக்கப்பட்டிருக்கிறது?"

MR. SPEAKER :—"This has nothing to do with the main question. We should not also take cognizance of what has happened in the other House."

SRI R. V. SWAMINATHAN :—"Is it not a fact that the Government have abolished this palmyra tax? If it is not so, will the Government come forward at least now to abolish this tax in view of the fact they are going to lose only about two lakhs of rupees?"

THE HON. SRI C. RAJAGOPALACHARI :—"The tree tax has been abolished by this new rule. The land will, however, remain with the pattadar. Before this, the tax on the land had been assessed taking into account the palmyra tax that was paid. When the tax on the trees is now abolished, we will have to consider, what classification the land assessment should receive from now on. The question will depend, therefore, on a resettlement of the nature of the land and the soil and it is not possible to do that now. In order to speed up the relief that is to be given, it has been decided that, for the moment, the highest dry rate should be paid by the pattadar for the land if it is less than what the pattadar had been paying hitherto. But the question, whether the highest dry assessment is or is not right, will be considered. We may perhaps accept even the average dry assessment in that area. This question will be looked into by the Government."

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SRI V. BALAKRISHNAN :—“ Was the imposition of this so-called double tax peculiar to the Tirunelveli district or common to all the districts of the Madras State? ”

* THE HON. SRI C. RAJAGOPALACHARI :—“ It was peculiar to the palmyra area.”

SRI S. C. C. ANTHONY PILLAI :—“ Was an assurance ever given that when this tax is abolished, there would be no increase in the land tax? ”

* THE HON. SRI C. RAJAGOPALACHARI :—“ There is no increase in the land tax. As a matter of fact, no question of assurance can arise because it was the policy of the Government that was stated in the House. There was no question of bargain or promise.”

SRI S. SWAYAMPRAKASAM :—“ The Hon. the Minister for Revenue said that the total amount of tree tax collected was Rs. 1,80,000. But when the question was put as to how much was collected as palmyra tax, no information was given. How could there be any difficulty for the Government to give the amount of palmyra tax when the total amount could be got at? ”

11-30
a.m.

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ The difficulty is they are both mixed up. We have to gather these figures from the village officers and it takes lot of time. Figures have to be got not only for the district of Tirunelveli alone but for the two taluks of Ramanathapuram also.”

SRI S. RAMASAMY NAIDU :—“ விற்பனை வரியை ரத்து செய்வதன் மூலம் வருமானம் குறைகிறது என்ற காரணத்திற்காக நிலத்தின் தரத்தைக் கூட்டி, அதை ஈடுசெய்ய சர்க்கார் உத்தேசிக்கவில்லை என்று சர்க்கார் உறுதி கொடுப்பார்களா என்று கேட்கிறேன்? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ Yes. That is right. We are not going to make it up by increasing the land tax. We are only adopting a course whereby we can have some reasonable land tax.”

THE HON. SRI C. RAJAGOPALACHARI : :—“ I might add that I have made the matter quite clear. There is no question of making up the revenue lost but it is only a question of making a just arrangement. The person who held the patta of land on which dry tax had been paid should not get an undue advantage over other dry land assesses. Therefore, it is only a question of proper examination of what is due.”

SRI C. KANDASAMY :—“ முதல் மந்திரி அவர்கள் சொன்னதைப் போல் பின்மரம் இருக்கக்கூடிய நிலத்திற்கு வரி போடவேண்டுமென்று சொன்னது சரிதான். இருந்தபோதிலும், பின்மரம் இருக்கக்கூடிய இடங்களில் புஞ்சை சாகுபடி செய்யமுடியாது என்பதும் வாஸ்தவம். ஆகவே, அதிக புஞ்சை வரி போடுவதற்கு பதிலாக குறைந்தபட்ச புஞ்சை வரி போடுவதற்கு அரசாங்கம் கவனிக்குமா? ”

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SRI K. V. RAMASWAMI :—“ இந்த வரியானது பனைமரத்திற்கு மாதிரமா அல்லது பனம் பழத்திற்கும் உண்டா ? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ It is quite true that the land cannot be cultivated when there are quite a number of trees on it but not all lands are of that nature. Secondly, we have already issued an order that the assessee will not pay more than he has already been paying. In every case, his obligation is to pay only the lesser of the two amounts, between what he was actually paying and what he would have to pay on the dry assessment thereof. He will not be burdened with the higher assessment. The question is further complicated because those lands had always palmyra trees and palmyra trees are a regular feature of that district. We cannot mix it up with conditions in other areas.”

Unauthorised cultivation of poramboke lands.

* 283 Q.—**SRI K. ARANGANATHAN** : Will the Hon. the Minister for Land Revenue be pleased to state the total fine recovered for the unauthorized cultivation of poramboke lands for the fasli 1362 in South Arcot district?

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ Rs. 1,27,320-7-0 (rupees one lakh, twenty-seven thousand three hundred and twenty and annas seven only). ”

SRI K. ARANGANATHAN :—“ (Unobjectionable) புறம்போக்கு நிலத்தை ஜாரி செய்து கொடுக்கவேண்டுமென்று போட்டிருக்கும் மனுமீது அரசாங்கம் எடுத்துக்கொண்ட நடவடிக்கை என்ன? உடனே ஜாரி செய்வதற்கு சம்பந்தப்பட்ட அதிகாரிகளுக்கு தாக்கீது அரசாங்கம் அனுப்புமா? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ The Government are already taking steps to assign lands in ‘ non-objectionable ’ cases. It takes time and if the Hon. Member brings to my notice any specific case, I shall look into it.”

SRI M. PALANIYANDI :—“ சென்ற ஆண்டில் மாகாணமெங்கும் உணவு உற்பத்திப் பெருக்கத் திட்டத்தின்கீழ் கொடுத்த நிலங்களுக்குக் கூட இதுமாதிரி தண்ட வரி விதித்து எல்லா ஏழை மக்களிடமிருந்தும் தண்ட வரி வாங்கினது வாஸ்தவமா? அதை நிறுத்துவதற்கு அரசாங்கம் முன் வருமா? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ It is rather a sweeping statement. If the hon. Member brings to my notice specific cases, I shall look into them.”

Detention of certain State buses by the Police in Tirupati.

* 284 Q.—**SRI K. VINAYAKAM** : Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether it is a fact that some buses belonging to Madras Government Transport Department plying between Madras and Tirupati were detained in Tirupati by local police after the formation of Andhra State; and

(b) if so, what were the reasons for such detention?

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THE HON. DR. U. KRISHNA RAO :—“(a) & (b) Yes, for the alleged failure of the drivers to produce their driving licences which had been locked up overnight in the office room. After the licences were handed over, the vehicles resumed the service. The incident was on the night of 19th October 1953. There has been no trouble since 21st October.”

SRI K. VINAYAKAM :—“In view of the fact that reports appeared in the Press that the detention of the buses was due to the fact that the Tirupathi-Tirumalai Devasthanam authorities refused to allow our State buses to be parked in the choultry compound and that our drivers were forced to get stranded on the roads, will the Government come forward with an enquiry into the matter in order to remove the misapprehension that has been created in the public mind?”

THE HON. DR. U. KRISHNA RAO :—“I hope the hon. Member will not give much credence to what appeared in the Press. The Government of Andhra were apprised regarding the seizure of licences from our drivers by the Police officials of the Andhra State on 20th October 1953. The Government of Andhra have been requested to institute an enquiry into the incident and let this Government know the result of that enquiry. As soon as that report is received, I shall be able to give more exact details of the incident.”

Relief to handloom weavers.

* 285 Q.—**SRI M. PALANIYANDI :** Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) whether the Government forwarded to the Central Government the resolution passed by the Assembly on 4th November 1952 about the allocation of the yarn entirely to handloom industry for the weaving of bordered sarees and dhotis;

(b) if so, what is the reply from the Central Government;

(c) whether the Government have succeeded in persuading the Central Government to allocate the same to the handloom weavers; and

(d) if not, what action this Government are going to take to help the handloom weavers?

THE HON. DR. U. KRISHNA RAO :—“(a) The resolution passed by this House on 4th November 1952 supported the view of this Government that the weaving of all bordered dhotis and coloured sarees should be reserved to the handloom industry and urged that the Central Government should take steps to make available to the handloom industry sufficient quantities of yarn spun out of Indian cotton for the purpose. The resolution was forwarded to the Government of India in the Ministry of Commerce and Industry on 5th November 1952.

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- “(b) The receipt of the resolution was acknowledged by the Government of India but no specific reply was received to the latter point urged in the resolution.
- “(c) Subsequent to the passing of the resolution the control over distribution of yarn was lifted and yarn is now freely available. The need for persuading the Central Government to accept our request no longer exists.
- “(d) This Government introduced in June 1952 a general scheme for affording immediate relief to weavers through the agency of co-operative societies in the districts. Under the scheme the weavers get a subsistence wage and continuous employment without the burden of marketing cloth. Co-operative primary weavers' societies which stopped functioning have revived. Weavers outside the co-operative fold have joined the existing and new primary weavers' societies.”

SRI M. PALANIYANDI:—“மந்திரி அவர்கள் கொடுத்த பதிலிலே அந்தத் தீர்மானத்திற்குப் பிறகு கண்டிரோல் எடுக்கப்பட்டது என்றும், அதன் காரணமாக கைத்தறி நெசவாளர்களுக்கு நூல் கிடைத்தது என்றும் சொன்னார்கள். ஆனால், நூல் விலை இப்பொழுது எப்படி இருக்கிறது? கூட்டுறவு சொஸைடியின்மூலம் அவர்களுக்குக் கொடுக்கப்படும் சம்பளம் நாலணை வாக இருக்கிறதே தவிர வேறென்றுமில்லை. ஆகையால், இந்த சட்டசபையிலே 375 அங்கத்தினர்கள் தீர்மானித்து அனுப்பிய தீர்மானத்தை மத்திய அரசாங்கம் கொஞ்சம் கூட ஏற்காது இருப்பதனால் இங்கிருக்கும் கைத்தறி நெசவாளர்கள் மிகவும் பாதிக்கப்பட்டிருக்கிறார்கள். ஆகையால், உடனடியாக கரை வேஷ்டிகளுக்கும், பார்டர் கலர் சேலைகளுக்கும் நூல் ஒதுக்குவதற்கு நமது அரசாங்கம் மத்திய அரசாங்கத்தை கேட்குமா?”

THE HON. DR. U. KRISHNA RAO:—“The hon. Member is aware that in reply to our request the Central Government suspended the production in mills of a certain percentage of dhotis and sarees. They have also instituted a mill cloth cess fund from out of the proceeds of sale of mill cloth which will benefit the primary societies. So far as the availability of yarn is concerned, my information is that there is plenty of yarn available. The difficulty now is want of sufficient off-take. With regard to wages, it was also decided that it should be four annas or whatever the current rate in the neighbouring areas is.”

SRI K. R. VISWANATHAN:—“May I know whether the Government will stop the import of mill cloth into this State until the condition of the weavers improves and attains normalcy?”

THE HON. DR. U. KRISHNA RAO:—“There is no proposal now to prevent any mill cloth coming into our State. But I may tell the House that a Committee has been appointed by the Central Government under the chairmanship of Sri Nithyananda Kanunga which has gone round the country collecting statistics to find out how best we could help the industry to stabilize itself vis-a-vis the competition from the mill industry. The report is awaited and I hope when it is ready, it will reveal many interesting facts.”

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SRI S. DEIVASIGAMANY :—“ Arising out of the answer to clause (b) of the main question, may I know the amount that has been allotted to Madras from out of the mill goods cess fund? May I also know what the proposals of our Government are for relieving the distress of handloom weavers? ”

THE HON. DR. U. KRISHNA RAO :—“ The amount allotted to our State is in the neighbourhood of Rs. 85 lakhs. The Government of Madras have submitted a plan for the approval of the Government of India. When that is approved, it will give relief to nearly 50,000 weavers through the agency of co-operative societies.”

SRI R. S. ARUMUGAM :—“ நெசவாளர்களுடைய கஷ்டம் நீங்கி விட்டது என்பது சர்க்காருடைய எண்ணமா? அவர்களுடைய கஷ்டம் நீங்கி விட்டது என்ற காரணத்திற்காக கஞ்சித்தொட்டிகள் எடுக்கப்பட்டிருக்கின்றனவா? கஞ்சித்தொட்டிகள் ஏன் எடுக்கப்பட்டன என்பதை கனம் மந்திரி அவர்கள் தெரிவிப்பார்களா? ”

MR. SPEAKER :—“ நீங்கள் தனியாக ஒரு கேள்வி போடுங்கள்.”

SRI C. KANDASAMY :—“ அஸெம்பிளி தீர்மானப்படி பூரா நூலும் கரை போட்ட வேஷ்டிகளுக்கும், கவர் சேலைகளுக்கும் கொடுக்கவேண்டும் என்று சொல்லி கண்டோல் எடுத்ததற்குப் பிறகு, அதேமாதிரி பூராவும் செய்திருக்கிறதா என்பதை மந்திரி அவர்கள் பதில் சொல்வார்களா? ”

Sir, the Hon. Minister said that after the removal of control on yarn, things had improved. I want to know what exactly the position now is.”

THE HON. DR. U. KRISHNA RAO :—“ I would like a separate question to be put. I am not quite sure of the present position. But I think that there is difficulty because it seems there is not enough off-take. I presume yarn made out of Indian cotton is available in plenty.”

SRI M. NARAYANA KURUP :—“ Sir, may I know the percentage of weavers who are members of co-operative societies to the total number of weavers in the State? ”

THE HON. DR. U. KRISHNA RAO :—“ Sir, to give an accurate answer, I should like to have notice of a separate question. But, I would like to say that roughly about 20 per cent of the weavers are in the co-operative fold.”

SRI M. PALANIYANDI :—“ மத்திய அரசாங்கம் இந்த அரசாங்கத் 10-40
திற்காக எவ்வளவு செஸ் ஒதுக்கினாலும் கைத்தறி நெசவு தொழிலாளியின் a.m.
நிலை உயரவில்லை. ஆகையால், இந்த சட்டசபையின் தீர்மானத்தை
மத்திய அரசாங்கம் மதிக்க வில்லை. அவ்வாறு மதிக்கவில்லை என்பதை
இந்த அரசாங்கம் மறுக்கமுடியுமா? ”

THE HON. DR. U. KRISHNA RAO :—“ Sir, the hon. Member must realize that the Centre, though not by way of implementing our resolution, has done its very best in so many other ways. I am told that so far as handloom cloth is concerned the off-take and the export have increased from

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about 25 million yards to 50 million yards last year and this year, for the first six months, I am told that the export is reported to be in the neighbourhood of 60 million yards. All these indicate that there has been a general improvement in the position of the handloom weaver."

SRI A. SAMBASIVAM :—"மத்திய அரசாங்கத்தினுடைய செஸ் நிதி மூலம் நெசவாளர்களுக்கு போதுமான நூல் வசதி செய்து கொடுக்கவில்லை என்பதற்காக நூல் நூற்கும் தொழிற்சாலைகளிலிருந்தே வாங்குவதற்கு அரசாங்கம் எண்ணி இருக்கிறதா அல்லது முன்போல் சொசைடி மூலம் ஒத்தாசை செய்ய முடியுமா?"

THE HON. DR. U. KRISHNA RAO :—"Yes, Sir. One of the recommendations which the Central Government have accepted is the establishment of a spinning mill somewhere in the South for the purpose of making yarn, and sufficient finance has also been allocated for it. I am fairly certain that when this mill begins to produce it will help the handloom weavers to a considerable extent."

SRI S. RAMALINGAM :—"கனம் மந்திரி அவர்கள் பதில் சொல்லும் போது இங்கு நெசவாளர்களுக்கு நிவாரணம் தேடித்தர புல முயற்சிகள் எடுக்கப்பட்டுள்ளதாக கூறினார்கள். அப்படியானால் ஹைபவர் கமிட்டி செய்த சிபார்சை நம் அரசாங்கம் மத்திய சர்க்காருக்கு அனுப்பி யுள்ளார்களா? மத்திய சர்க்காருக்கு அனுப்பியதில் எவைகளை ஒத்துக் கொண்டிருக்கிறார்கள். எவைகளை ஒத்துக் கொள்ளவில்லை என்று மந்திரி அவர்கள் தெரிவிக்கவேண்டும்."

THE HON. DR. U. KRISHNA RAO :—"Sir, many of the recommendations of the High Power Committee have been accepted by the Central Handloom Board and the Central Government. I would like to have notice of a separate question to give details but, I can assure this House that many of the recommendations of this Committee have been accepted both by the Central Government and the Central Handloom Board."

Medical concessions to N.G.Os.

* 286 Q.—**SRI K. ARANGANATHAN :** Will the Hon. the Minister for Health be pleased to state—

(a) whether any additional allotment has been made in addition to the usual allotment to the Government hospitals on account of free medical aid given to non-gazetted officers; and

(b) whether it is a fact that the Government have sent instructions to the District Medical Officers not to prescribe to non-gazetted officers any medicines which are not available in the hospital but to advise them to buy such medicines at their own cost from outside?

THE HON. SRI A. B. SHETTY :—"(a) No additional allotment has been made.

"(b) Instructions have been issued to the effect that medical officers should not prescribe expensive drugs, tonics, laxatives

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or other elegant and proprietary preparations for the use of Government servants and members of their families when drugs of equal therapeutic value are available in the medical institutions concerned. The Government servants are allowed refunds in respect of the cost of any drug or medicine which they may have to purchase owing to there being no stock in the hospital or for any other reason on the production of essentiality certificates signed by the medical officers and vouchers in support of the expenditure incurred by them."

SRI K. ARANGANATHAN :—" Sir, recently the Government have issued instructions regarding the persons from whom alone non-gazetted officers should get their bills signed and submitted for necessary sanction. Before these instructions were issued there were bills pending sanction in the different offices but sanction was refused because they were not in conformity with the recently issued instructions. Will the Government be pleased to issue instructions to the concerned authorities to sanction these bills also? "

THE HON. SRI A. B. SHETTY :—" Sir, if the hon. Member writes to me about this matter, I shall enquire into the matter."

SRI M. NARAYANA KURUP :—" Sir, it has come to our notice that the bills of non-gazetted officers who were treated in hospitals managed by local authorities were not sanctioned. In view of the fact that there are very few Government hospitals, will the Government be pleased to order that these officers may be given this free treatment in hospitals managed by local authorities also so that they may really benefit? "

THE HON. SRI A. B. SHETTY :—" Sir, the suggestion will be considered."

SRI S. PAKKIRISAMI PILLAI :—" Sir, is it not true to say that such special treatment to non-gazetted officers and their families deprives other patients of the usual and fair treatment? "

THE HON. SRI A. B. SHETTY :—" Sir, this concession was given to non-gazetted officers and employees of local bodies whose salary does not exceed Rs. 300 per mensem on account of the longstanding demands from them for better scales of salaries and better allowances."

SRI S. RAMALINGAM :—" சர்க்கார் ஆஸ்பத்திரிகளில் என்.ஜி.ஒ.க்களுக்கு அதிக விலையுள்ள மருந்துகளை சிபார்சு செய்யக்கூடாது என்று சர்க்கார் சர்க்குலர் அனுப்பி இருப்பதால் மெடிகல் ஆபிசர் என்.ஜி.ஒ.க்களை கவனிக்கமாட்டார் என்ற அவநம்பிக்கையால் பிரைவேட்டாக ஆனாரி சர்ஜன் அல்லது வேறு டாக்டரிடம் தங்களுக்கு வசதி செய்துக்கொண்டால் அதற்கான செலவுகளை சர்க்கார் கொடுக்க வசதி செய்யுமா ? "

THE HON. SRI A. B. SHETTY :—" Sir, the instructions issued are to the effect that costly and expensive drugs should not be prescribed when drugs of equal therapeutic value are

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available and, where they are considered necessary, they can purchase them if they are not available in the medical institutions concerned and refund will be given."

SRI S. C. C. ANTHONY PILLAI :—" Sir, will the Government be pleased to give us a rough idea or rough estimate of the financial effect of this concession? "

THE HON. SRI A. B. SHETTY :—" Sir, a separate question may be asked."

Repairs to the sluice in Thachampattu tank in Gingee taluk.

* 287 Q.—**SRI K. ARANGANATHAN** : Will the Hon. the Minister for Land Revenue be pleased to state whether the sluice in Thachampattu tank in Gingee taluk, South Arcot district is leaky; and if so, what steps the Government have taken to repair it?

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Yes, Sir. The sluice is leaky. An estimate of Rs. 600 has been sanctioned for repairing the sluice, revetment and bund. Earth work to bund has been completed and repairs to sluice and revetment will be completed soon."

SRI K. ARANGANATHAN :—" இந்த மதகு எவ்வளவு நாளாக ஓட்டையாக இருக்கிறது என்று கனம் மந்திரி அவர்கள் சொல்லுவாரா? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" The hon. Member knows it much better."

Opening of a sub-treasury at Quilandi.

* 288 Q.—**SRI C. KUNHIRAMA KURUP** (on behalf of Sri P. Kunhirama Kidav) : Will the Hon. the Minister for Land Revenue be pleased to state whether there is any proposal before the Government to open a sub-treasury at Quilandi in Kurumbranad taluk?

THE HON. SRI M. A. MANICKAVELU NAICKER :—" There is no such proposal under the consideration of the Government."

SRI C. KUNHIRAMA KURUP :—" Sir, in view of the fact that Quilandi is the headquarters of Kurumbranad sub-taluk, will the Government be pleased to consider the question of opening a sub-treasury there? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Yes, Sir. If the cash transactions warrant it, the Government will consider the question."

Single teacher schools.

* 289 Q.—**SRI K. ARANGANATHAN** : Will the Hon. the Minister for Finance be pleased to state the number of single teacher schools in 1952-53 in Madras State?

THE HON. SRI C. SUBRAMANIAM :—" 1,806, Sir."

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SRI K. ARANGANATHAN :—“ ஒரு ஆசிரியர் இருக்கக்கூடிய பள்ளிக் கூடத்திற்கு மாணவர்கள் ஏன் பெருக வில்லை? அரசாங்கம் அம்மாதிரி யான பள்ளிகளில் மாணவர்களைச் சேர்ப்பதற்கு நடவடிக்கை எடுக்க வில்லையா? ”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, the question of further recruitment is under the active consideration of Government. Out of about 2,000 schools, 1,806 are single-teacher schools. We have got to open some more schools and I am afraid that next year there may be some more single-teacher schools.”

K. DR. K. B. MENON :—“ Sir, how many students do these teachers handle on an average and for how many hours do they teach? ”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, the hon. Member knows that under the modified scheme the schools work for three hours in the morning and for three hours in the evening. The total number fixed for each teacher is about 30 and it is under the active consideration whether this number should be increased in view of the modified scheme.”

SRI S. DEIVASIGAMANY :—“ Sir, may I know how many classes these single-teachers have got to take per day? ”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, they have got to take five classes and that is one of the reasons why the modified scheme is said to be more beneficial to the students.”

SRI M. PALANIYANDI :—“ ஒரு உபாத்தியாயர் 30 பிள்ளைகளுக்கு சொல்லிக் கொடுப்பதாக மந்திரி அவர்கள் சொன்னார்கள். ஒரு உபாத்தியாயருக்கு 5 வகுப்புகள் இருந்தால் சாதாரணமாக 100 பிள்ளைகளுக்கு சொல்லிக்கொடுக்க வேண்டியிருக்கிறது. ஆகையால் அதிகப்படியான உபாத்தியாயர்கள் நியமிக்க அரசாங்கம் முன்வருமா? ”

THE HON. SRI C. SUBRAMANIAM :—“ If the strength warrants it, certainly the number of teachers will be increased.”

SRI C. KANDASAMY :—“ ஒரு உபாத்தியாயர் இருக்கக்கூடிய பள்ளிகளில் எத்தனை வகுப்புகள் இருக்கின்றன? ”

THE HON. SRI C. SUBRAMANIAM :—“ I have already answered it.”

SRI S. C. C. ANTHONY PILLAI :—“ Sir, I would like to know whether there are different classes in these single-teacher schools and, if so, how these teachers manage to teach the different classes? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, it is surprising the hon. Member's attention was not directed to this scandal so long and it is that scandalous situation that the modified scheme tries to remove.”

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11-50 a.m. SRI T. C. NARAYANAN NAMBIAR :—" May I know whether it is a fact that teachers employed even in single-teacher aided elementary schools are not paid if the average attendance falls which fact is beyond the control of teachers? "

THE HON. SRI C. SUBRAMANIAM :—" I am afraid the supplementary question has nothing to do with the main question. The main question relates to the number of single-teacher schools in Madras State for which I have given the answer. The supplementary question does not arise out of the main question."

Promotion of officers in the Prohibition department.

* 290 Q.—SRI K. R. VISWANATHAN (on behalf of Sri S. Radhakrishnan) : Will the Hon. the Minister for Prohibition be pleased to state—

(a) the number of officers promoted temporarily to the gazetted rank in the Prohibition department on the eve of the formation of the Andhra State;

(b) whether selection was done as per seniority; and

(c) the reasons for making the promotions only temporarily?

THE HON. SRIMATHI JOTHI VENCATACHELLUM :—

" (a) Nil, Sir.

" (b) & (c) Do not arise."

Opening of a dispensary in the Cannanore Municipal area.

* 291 Q.—SRI T. C. NARAYANAN NAMBIAR (on behalf of Sri V. R. Krishna Ayyar) : Will the Hon. the Minister for Health be pleased to state—

(a) whether the Government have received any request from the Cannanore Municipal Council for sanctioning staff required for opening a dispensary within the municipality; and

(b) when the communication from the municipal council was first received and if so, what order has been passed thereon?

THE HON. SRI A. B. SHETTY :—" (a) Yes, Sir.

" (b) The communication from the Municipal Council, Cannanore was received by Government in the middle of October 1953 and orders were issued on 1st December 1953 approving the proposal of the municipal council to open a dispensary of modern medicine and sanctioning the employment of the staff of one assistant surgeon, one compounder, two nursing orderlies and one water-man-cum-sweeper as asked for by the Municipal Council."

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Minor irrigation works for the Salem district.

* 292 Q.—SRI K. V. RAMASWAMI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the amount allotted to Salem district for minor irrigation works for the year 1952–53; and

(b) what was the amount asked for by the Collector, Salem, in this respect?

THE HON. SRI M. A. MANICKAVELU NAICKER:—“(a) Rupees one lakh and eighty-eight thousand, four hundred and fifty, Sir.

“(b) Rupees two lakhs and forty-two thousand, seven hundred.”

SRI K. V. RAMASWAMI:—“சேலம் ஜில்லா பின் தங்கிய ஜில்லாவாக இருந்தும் அதற்கு அதிகப்படியான தொகை நீர்ப்பாசனத்திற்கு ஒதுக்கப் படாமல் இவ்வளவு குறைவான தொகை ஒதுக்கப்பட்டிருப்பது ஏன்?”

THE HON. SRI M. A. MANICKAVELU NAICKER:—“I won't admit that Salem is a backward district. Of the amount allotted for minor irrigation works by the Government, I find that most of the amount has been spent and that only a sum of three thousand rupees has been surrendered.”

The Pullambadi Project.

* 293 Q.—SRI M. PALANIYANDI: Will the Hon. the Minister for Public Works be pleased to state whether the Madras Government have taken steps to see that the Pullambadi Project is included in the list of irrigation projects newly to be taken up for execution?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“The scheme has been deferred in view of the uncertainty of supplies in the Cauvery in recent years. It can be considered if the water position shows a marked improvement over a period.”

SRI M. PALANIYANDI:—“தற்பொழுது காவேரியில் இருந்து சென்னைக்கு தண்ணீர் கொண்டுவர முடியும் என்று இன்றுள்ள என்ஜினியர்கள் சொல்லும் காலத்தில், புள்ளம்பாடி திட்டம் கடந்த 25 ஆண்டுகளாக இருப்பதால், அடுத்த ஆண்டு தண்ணீர் வந்ததும் அந்த திட்டத்தை எடுத்துக்கொள்ள அரசாங்கம் முன்வருமா?”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“Sir, I have stated the opinion of the engineers only. The hon. Member seems to have got more information from the engineers and if he supplies me with that information I shall be able to do better.”

SRI K. R. VISWANATHAN:—“In answer to a previous question, the Hon. the Chief Minister was pleased to say that doubts were entertained with regard to the availability of water. It is not known whether these doubts have been cleared or not as a result of further investigation made by the Government. May I know whether the Hon. Minister, for Public Works will be

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pleased to order the investigation of the project with reference to the availability of water and whether the Government will come to a decision either to abandon the scheme or to defer the scheme only after such an investigation is made? ”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ The hon. Member will please repeat the question.”

SRI K. R. VISWANATHAN :—“ The other day, the Hon. the Chief Minister was pleased to say that the scheme had to be deferred just because water was not available. He further stated that the scheme was not fully investigated into. I want that the scheme should be further investigated fully with reference to the availability of water and then only the Government should come to a decision whether it should be taken up or abandoned. Merely saying that the scheme has been deferred in view of the uncertainty of supplies of water has no meaning at all. I wish to know categorically whether the Government will take up further investigation of the scheme or not? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ There is no question resulting from the speech of the hon. Member.”

SRI K. R. VISWANATHAN :—“ I want to know whether the Government are going to investigate the scheme with reference to the availability of water or not.”

THE HON. SRI C. RAJAGOPALACHARI :—“ The suggestion in the question is that we should come to an immediate decision and not take time to make a decision. This also will be taken into consideration.”

Liquor permit-holders in Udayarpalayam taluk.

* 294 Q.—SRI K. R. VISWANATHAN : Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether there are any liquor permit-holders in Udayarpalayam taluk, Tiruchirappalli district; and

(b) if so, the number of such holders with the periods of the respective permits?

THE HON. SRIMATHI JOTHI VENCATACHELLUM :—“ (a) The answer is in the negative.

“ (b) Does not arise.”

New Well-subsidy Scheme for the South Arcot district.

* 295 Q.—SRI K. ARANGANATHAN : Will the Hon. the Minister for Land Revenue be pleased to state the total number of wells in respect of which

(1) recovery of subsidy; and

(2) write off of proposals were sanctioned in South Arcot district during the fasli years 1358 to 1362 under the New Well-subsidy Scheme?

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THE HON. SRI M. A. MANICKAVELU NAICKER :—

“ (1) 346.

(2) 2.”

* SRI K. ARANGANATHAN :—“ Write off செய்யவேண்டிய அவசியம் என்ன ? அதில் எத்தனை பேர் காங்கிரஸ் காரர்கள் ? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“ The Government do not go into the political complexion of the applicants.”

Liquor permit-holders in Madras City.

* 296 Q.—SRI K. VINAYAKAM : Will the Hon. the Minister for Prohibition be pleased to state—

(a) how many liquor permit holders there are in the City of Madras; and

(b) whether it is a fact that the Minister recently appealed to the liquor permit holders to surrender their permits, and with what result?

THE HON. SRIMATHI JOTHI VENCATACHELLUM :—“ (a) On 31st October 1953, there were 231 Indian and 602 non-Indian liquor permit-holders in the City of Madras.

“ (b) Yes, Sir. When presiding over the Taluk Harijans' Conference at Pollachi on 1st November 1953, the Minister appealed to the liquor permit-holders to surrender their permits for their own benefit and co-operate with the Government to make Prohibition a success. The appeal has not so far produced any result.”

SRI K. VINAYAKAM :—“ Sir, without meaning any disrespect to the Hon. Minister for Prohibition, may I know whether the immediate ex-Sheriff of Madras has a permit for liquor and if so, has the appeal of the Hon. Minister no effect upon him? ”

THE HON. SRIMATHI JOTHI VENCATACHELLUM :—“ I am afraid the hon. Member has collected very wrong information.” (Laughter.)

Assignment of lands to Harijans in Tiruchirappalli district.

* 297 Q.—SRI A. RATNAM : Will the Hon. the Minister for Land Revenue be pleased to state— 12 noon.

(a) whether it is a fact that, during this year, 400 Harijans were deprived of lands originally assigned to them at Tiruchirappalli;

(b) what was the extent of lands assigned to them;

(c) when the lands were assigned;

(d) whether it is a fact that more than hundred Harijans marched to the Collectorate at Tiruchirappalli with placards and slogans on 25th August 1953 protesting against the eviction orders passed on them;

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(e) whether it is a fact that 1,500 Harijans also were prevented from cultivating the lands which were assigned to them temporarily at Tiruchirappalli; and

(f) what are the reasons for evicting the permanent and temporary assignees belonging to the Harijan Community referred to above?

THE HON. SRI M. A. MANICKAVELU NAICKER :—“(a) to (f) The exact particulars required for answering this question are not readily available with the Government. The Member is, however, informed that the Government have been receiving representations from several persons stating that the land in their occupation had been taken over and assigned to political sufferers. On examining these representations, the Government have found that in many of the cases these assignments had been sanctioned according to the orders in force at the time of assignment and that the assignments cannot be cancelled now and the land returned to the previous sivoijamadars. It was also found that some of the sivoijamadars are really landless and poor persons engaged in direct cultivation. Such of those dispossessed sivoijamadars as are landless and poor persons likely to resort to direct cultivation, will be eligible for the assignment of land in accordance with the current rules on the subject. As a further measure of concession, the Government have decided that those among them that are poor and deserving Harijans should be exempted from the payment of market value in the assignment of valuable land.”

SRI A. RATNAM :—“கனம் மந்திரி அவர்கள் இது மூன்றுமாத காலமாக நடந்திருந்தும் கூட குறிப்பாக எல்லா விஷயங்களையும் அறிய வில்லை என்று கூறுகிறார். திருச்சி ஜில்லாவிலுள்ள ஹரிஜனங்கள் வசித்து வந்த நிலங்களை தியாகிகளுக்கு கொடுக்கப்படும் என்று சொல்லப்படுகிறது. அவர்களை அவ்வாறு விரட்டப்படாமல் அவர்கள் நிலங்களை அவர்களுக்கே ஆர்ஜிதம் செய்விப்பதும் என்று அரசாங்கம் உத்தரவாதம் அளிக்ருமா?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“Sir, no one is evicted in order to give land to political sufferers. The difficulty is that we cannot legally interfere in the cases of most political sufferers who had already had lands assigned and pattas made out in their favour. Otherwise the Government's policy is not to give lands to political sufferers.”

SRI M. PALANIYANDI :—“சிறையே செல்லாத தன்பொருளையோ, சொத்தையோ ஒன்றும் இழக்காமல் காங்கிரஸ் ஊழியர் என்று சொல்லி ஒரு நபருக்கு ஹரிஜனங்களுடைய நிலங்களை கொடுத்திருந்தால் அதை திருப்பி அவரிடமிருந்து வாங்க அரசாங்கம் முன்வருமா?”

THE HON. SRI M. A. MANICKAVELU NAICKER :—“It amounts to a fraud. If it is brought to the notice of the Government they will enquire into it and do the needful as they have got powers to cancel such assignments.”

MR. SPEAKER :—“Questions over. I want to make certain announcement to the House.”

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[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—ANNOUNCEMENTS BY THE HON. SPEAKER.

SRI K. T. KOSALRĀM :—“ Mr. Speaker, Sir . . . ”

MR. SPEAKER :—“ I shall allow the hon. Member to speak afterwards.

“ I have to announce to the House that I have received the following messages :—

(1) *Message, dated the 20th December 1953, from the Governor of Madras.*

“ In pursuance of Article 207, clause (3) of the Constitution of India, I Sri Prakasa, Governor of Madras, hereby recommend to the Madras Legislative Assembly the consideration of the State Co-operative Societies (Reconstitution and Formation) Bill, 1953.

(2) *Message, dated the 29th December 1953, from the Hon. Chairman, Madras Legislative Council.*

“ In accordance with rule 111 of the Madras Council Rules, I transmit a copy of the Madras Co-operative Societies (Amendment) Bill, 1953 (L.A. Bill No. 25 of 1953), as passed and agreed to by the Council on the 29th December 1953 without any amendment and signed by me.”

(3) *Message, dated the 2nd January 1954, from the Hon. Chairman, Madras Legislative Council.*

“ In accordance with rule 112 of the Madras Council Rules, I return the Madras Appropriation (No. 2) Bill, 1953 (L.A. Bill No. 26 of 1953), as passed by the Council on the 2nd January 1954 without any recommendation and signed by me.”

“ I wish to inform the House that I have extended the time-limit for giving notice of amendments to the Malabar Tenancy Amendment Bill till 5 o'clock to-day. All amendments received till 5 o'clock to-day will be included in the Agenda.”

SRI K. P. GOPALAN :—“ Sir, most of the Members, as far as I understand, have received notice only to-day.”

MR. SPEAKER :—“ Some hon. Members have complained to me that they received notice only to-day. That is why I have extended the time-limit till 5 o'clock.”

SRI K. P. GOPALAN :—“ Sir, we are supplied with the Select Committee report only to-day. We have to go through it. We have to study it thoroughly. Moreover the Assembly is in session to-day and as such, we may not have enough time at our disposal to go through the reports of the Select Committee. As such, I think it will not be possible for us to give all the amendments we want to give notice of before 5 o'clock to-day. I, therefore, want that the time-limit should be extended to to-morrow.”

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III.—CHANGE IN THE HOURS OF SITTINGS OF THE ASSEMBLY.

MR. SPEAKER :—“ To-morrow! Hon. Member should know I have already extended the time-limit in response to their request. I have also to announce to the House that the House will sit from to-morrow (5th January 1954) from 9 a.m. to 1-30 p.m.”

* DR. K. B. MENON :—“ Apart from the fact that we want some extension of time for submission of amendments, I wish to bring to the notice of the Hon. Minister and the Hon. Speaker that according to Rule 93 of the Assembly Rules, fifteen days are allowed for Members to study the Bill. In view of the fact that the Malabar Tenancy Bill is a very . . . ”

MR. SPEAKER :—“ But the time-limit can be waived by the Speaker.”

* DR. K. B. MENON :—“ In view of the fact that the Malabar Tenancy Amendment Bill is a controversial Bill, I would suggest that the time for consideration of the same be postponed till the end of the session so that parties may be given enough time to discuss with their members and arrive at conclusions. A little more time for submission of amendments may be permitted.”

SRI K. VINAYAKAM :—“ On a point of information, Sir.”

MR. SPEAKER :—“ Is it on this subject? ”

* SRI K. VINAYAKAM :—“ I will supplement the arguments so ably advanced by the two hon. Members. Some of us are not Malabarians. We do not know anything about Malabar, much less its tenancy.”

MR. SPEAKER :—“ So I would advise the hon. Member to keep quiet. (Laughter.)

SRI K. VINAYAKAM :—“ While I appreciate the sentiments expressed by you, Mr. Speaker, all the same I have the right as an hon. Member of this House . . . ”

MR. SPEAKER :—“ Nobody denies the hon. Member's right.”

* SRI K. VINAYAKAM :—“ As a member of this House, I have a right to speak on this Bill. As a matter of fact I can speak on any Bill that comes up before this House for discussion. I might contribute some sane arguments for the improvement of the Bill now under discussion, viz., the Malabar Tenancy Amendment Bill. So I crave your indulgence, Mr. Speaker, to extend the time-limit for submission of amendments at least till to-morrow evening.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ I am making this appeal to the Members who are raising these points. This matter has been pending for a long time. There is a universal demand that it should be disposed of soon. We had a Joint Select Committee and all matters were thrashed out by Members who

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were interested in the same. If only hon. Members could apply their minds to it, they could draft the amendments more quickly. There is no doubt about it. Regarding the request for extension of time by the hon. Member leading the Praja Socialist Party, viz., Dr. K. B. Menon, for consultation among partymen in regard to this Bill, may I point out that the Joint Select Committee in fact heard the views of all parties interested in this Bill including Mr. Kelappan. In fact, only after hearing all their views, we have arrived at fairly agreed conclusions. I think if we delay, the House will be opening itself to the charge of improper delay of a very important matter."

* THE HON. SRI C. SUBRAMANIAM :—" May I also add that copies of the Report were distributed even on the 30th December 1953 to the hon. Members at their residences in Madras and despatched to their mufassal addresses."

MR. SPEAKER :—" There were holidays after the 30th December."

* THE HON. SRI C. SUBRAMANIAM :—" Every attempt has been made to supply copies of the Report to hon. Members as early as possible. As already pointed out by the Hon. the Chief Minister, when this Bill was originally introduced here, it was discussed thoroughly and then only referred to a Select Committee. Therefore, we should remember that this matter has been before us for a long time. The Joint Select Committee has made some changes. We have got to approve of it. Therefore I would support the Hon. Chief Minister in saying that we need not postpone the consideration of this measure."

MR. SPEAKER :—" They want time only for submission of amendments."

SRI R. V. SWAMINATHAN :—" Are we meeting at 9 o'clock from to-morrow onwards? If that is so, I would submit that it will cause great inconvenience to us. We cannot get 'iddlies' ready by that time, Sir." (Laughter.)

MR. SPEAKER :—" It is because the other House is meeting simultaneously."

* DR. K. B. MENON :—" Mr. Speaker, Sir, we are not trying to postpone consideration of this Bill. We are placing our difficulties before you and asking you for extension of time-limit so that if extension is granted we might participate more effectively when the Bill comes up for discussion. We had no time to study the Report of the Select Committee. I wish to bring to the notice of the Hon. Chief Minister that even our request to be supplied with four copies of the parent Act (Malabar Tenancy Act, 1929) has not been complied with. We have not been supplied with copies of the parent Act. As such it is not possible for us to follow certain of the amendments in the present Bill, which have a bearing on the parent Act. I would request that at least in respect of those clauses of the present Bill which have a bearing on the parent Act,

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copies of the relevant portions of the mimeographed parent Act may be supplied to us, so that we might participate effectively when the subject comes up for discussion. Let not the Hon. Finance Minister or Chief Minister think that we are trying to "postpone consideration of an important measure."

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—" About the supply of the parent Act to hon. Members, let me inform Dr. K. B. Menon that we got it specially printed for this purpose and got it distributed to all hon. Members."

MR. SPEAKER :—" It has been distributed to hon. Members. In fact let me inform Dr. K. B. Menon that some hon. Members came to me and told me that they had received copies of the parent Act."

RAJA MUTHIAH CHETTIAR OF CHETTINAD :—" Mr. Speaker, I would like to make some observations with reference to the announcement just now made, namely, that the Assembly will meet from 9 a.m. tomorrow onwards. This question raises an important issue. It affects the privilege of hon. Members of this House. In fact, I might say, it even affects the rights of the House. It has been our custom for a very long time to meet at a convenient hour, namely, from 11 a.m. and sit till 5 p.m. Sir, it has been announced to suit the convenience of members of the Upper House and Hon. Ministers, the Assembly will sit from 9 a.m. to 1-30 p.m.

" Sometime ago there was a doubt in the minds of hon. Members of this House whether the Upper House should exist at all. I am not one who would say that the Upper House should not exist. I feel the Upper House may exist so long as the Lower House tolerates it because this Lower House has been asked on a previous occasion to give its verdict whether the Upper House should continue or not. (Cheers.) Therefore let it be understood that this House is the sovereign body. (Cheers.) After all, Sir, the question involved is the question of location of the Legislature. If our Legislative Assembly moves into the old building at Fort St. George, the Legislative Council could move into the Committee Room there. Then it would be very easy for Hon. Ministers and it may not be difficult for them to attend both the Houses even though both Houses may sit simultaneously. Of course, that is a matter on which you, Mr. Speaker, cannot give a ready ruling for you have to write to the Government whether it would be possible for this House to sit in the Old Chamber and whether the Upper House could sit at the Committee Room. It may take sometime before any final decision is reached. All the same, there is not much of a difficulty so far as Hon. Ministers are concerned. We have now twelve Ministers and I do not think it would be difficult for them to allocate the work amongst themselves and attend both the Houses if both the Houses are to meet simultaneously. I think, Sir, it amounts to infringing our fundamental right, our privilege, to deviate from the practice of sitting from 11 a.m. to 5 p.m. Our timings cannot be reduced to school-level of 9 a.m. to 1-30 p.m.

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(Laughter.) We have got so many other urgent businesses to attend to in the morning and this kind of asking us to meet at 9 a.m. will cause us great inconvenience. (The Hon. Chief Minister was seen rising to answer.) Of course the Hon. Chief Minister will give an answer to every question. I hope and trust he will take into account the feelings of hon. Members of this House in this regard. It is of course true that he will give us a convincing answer. But, all the same, let me tell the Hon. Chief Minister that the fixing of question-hour between 9 a.m. and 10 a.m. will not only serve no useful purpose but would become a farce. I am sure that all the hon. Members might not be present at the House at that early hour. We may have a thin House. Hon. Members may not have sufficient time to put supplementaries. It will cause great inconvenience to us. In this connexion, I may bring to your notice, Mr. Speaker (perhaps you may be aware of it) that when the Legislature began to function in Madras, answers to starred questions of hon. Members used to be printed and depatched to the concerned hon. Members. It used to be circulated to all hon. Members. That was the practice previously. But when Mr. Rajagopalachari took over the Chief Ministership of this State in 1937, he adopted the practice of the Parliament (that is what he said) of reading out the answer to the questions in the House. The old practice of supplying printed answers was discontinued. So much so, if an hon. Member who had put a starred question was not able to be present in the House, he could not know what answer the Hon. Minister gave. Perhaps he must read the newspapers or the official report. That is the practice obtaining now. Inasmuch as the old practice had been discontinued, hon. Members do not have the requisite time to put supplementary questions. They do not know the answer previously. They must come to the House in time, hear the answer of the Hon. Minister and then put supplementary questions. When this is the sorry state of affairs at a time when we are meeting at the reasonable hour of 11 a.m., hon. Members may imagine what sort of difficulty we would be put to if we are asked to meet at the early hour of 9 a.m. in the morning. Asking us to come at 9 a.m. amounts to an infringement of our right to meet at the reasonable hour of 11 in the morning.

“As a result of questions and supplementary questions on important matters only, we will be able to decide whether we should raise the question of half-hour debates. Now, where is the time? It is prevented literally by having the sittings from 9 o'clock or 8 o'clock, etc., in the morning. Therefore, I would submit to the Hon. the Speaker to be good enough to change the hour of starting of the session from 9 o'clock in the morning to a reasonable time say, 11 o'clock.” 12-10 p.m.

SRI R. V. SWAMINATHAN :—“Sir, if it is not possible to make any change, I would suggest that we may sit in the afternoons from 2-30 and the Upper House may sit in the mornings. They are old and elderly people, they can get up early and they can attend morning sessions.”

[4th January 1954]

* THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, the hon. Member, Sri Muthiah Chettiar, assumed in the course of his long and useful speech that 9 a.m. was not a right time to meet. I do not know with what standards he measures these things. I do not see any reason at all to think that the hours you have fixed for the Legislative Assembly meetings, namely, 9 to 1-30 is not the best time of the day for work. It is a time when every member is expected to be vigorous being the first part of the day. We cannot begin earlier than nine. You have fixed 9 to 1-30 and that is the best part of the day. The Upper Chamber will sit in the afternoons—in the fag-end of the day. I think it is a fair distribution. With regard to the views he has expressed on the importance of the interpellations, nobody denies the importance of interpellations. It is in fact the non-official time of the sittings, so to say, every-day for one hour when they have the whole House at their disposal. It is very important and it is a very useful part of the legislature's work. Therefore, it is that 9 to 10, is the best part of the day, is given to that work. I do not see why Mr. Muthiah Chettiar is imagining that 9 o'clock is a difficult time, for that work. But as far as one could judge from the proceedings of the House itself, all the Members are enjoying that one hour thoroughly and most energetically. Any other time would be less useful. As a matter of fact, if the House began at a later hour, the general impression would be that it is a dull House. Therefore, I think that 9 to 1-30 is the best time.

“ Sri Muthiah Chettiar went on to suggest various changes in the buildings, accommodation and all that. We can go through them leisurely. It is not possible to do it just now. The question now is whether we meet tomorrow at 9 o'clock. Any change now, Sir, is not convenient.”

IV.—POINT OF INFORMATION *RE* THE REPORTED ANNOUNCEMENT OF A VACANCY OF AN ASSEMBLY SEAT IN THE TIRUNELVELI DISTRICT.

SRI K. T. KOSALRAM :—“ இந்த சபையின் கௌரவத்தையும் கண்ணியத்தையும் பாதுகாக்கவேண்டிய பொறுப்பு கனம் சபாநாயகர் கையில் இருக்கிறது என்பதை ஞாபகத்தில் கொண்டுவந்து சில விஷயங்களை இங்கு சொல்ல விரும்புகிறேன்.”

MR. SPEAKER :—“ எழுதிக்கொடுத்துவிட்டால் மிகவும் செளகரியமாக இருக்கும்.”

SRI K. T. KOSALRAM :—“ ஒரு தொகுதியில், அதுவும் திருநெல்வேலி தொகுதியில் ஒரு மெம்பர் ஸ்தானம் காலியாகப்போகின்றது. அதில் திரு. எஸ்.பி. ஆதித்தன் அவர்கள் நிற்கப்போவதாகவும் இந்த சபையில் தலைவராக இருக்கின்ற எனது நண்பர் கனம் மந்திரி லி. சுப்ரமணியம் அவர்கள் சொல்லியிருக்கிறார். இந்த சபையில் இதுவரை ஒரு மெம்பர் ஸ்தானமும் இப்போது காலியாக இல்லை. கோர்ட்டிலிருக்கின்ற விஷயத்தை, இன்னும் அதுபற்றி ஒன்றும் தெரியாத விஷயத்தை இந்த சபை தலைவர் சென்ற மாதம் 31-ந் தேதி மேல் சபையில் பேசியிருக்கிறார். இது ஒழுங்கா ? இவ்வாறு சபைத் தலைவர் சொல்வது நியாயமா ? ”

POINT OF INFORMATION *re* THE REPORTED ANNOUNCEMENT 33
OF A VACANCY OF AN ASSEMBLY SEAT IN
TIRUNELVELI DISTRICT

4th January 1954]

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, as a matter of information, I would like to mention to you, that I was present at the time in the other House. No reference was made to Sri Kosalram's seat or *his* vacancy or the tribunal. I think, Sir, he is making matters worse by expanding on it.”

MR. SPEAKER :—“ The hon. Member may give it in writing to me. I shall call for the official report and examine it. At the same time I may say that the hon. Member should not take cognizance of matters that have taken place in the other House.”

SRI K. T. KOSALRAM :—“ என்னுடைய பெயர் வந்ததாகச் சொல்ல வில்லை. திருநெல்வேலியில் ஒரு மெம்பர் ஸ்தானம் காலியாகப் போகின்றது என்று சொன்னாளும்தான் இங்கு சொல்லுகிறேன். அந்த ஸ்தானம் எந்த ஸ்தானம் என்று நிச்சயமாக முதல் மந்திரி அவர்களுக்குத் தெரியுமா? இதுபற்றி கனம் சுப்ரமணியம் கோர்ட்டுக்கு ஏதாவது உத்தரவு போட்டிருக்கிறாரா? இவ்வாறு இந்தச் சபையில் பேசுவது கண்ட்டெம்ட் அப் கோர்ட் ஆயிற்றே? கண்ட்டெம்ட் அப் தி ஹவுஸ் அல்லவா? நான் 6 வருஷமாக இந்த அசெம்பிளியில் இருந்ததற்காக இதைப்பற்றி சொல்ல உரிமையில்லையா? கனம் சபைத்தலைவர் அவர்கள் இந்த விஷயத்தில் பாரபட்சமின்றி ஒத்திப்போடாமல் இந்த முக்கியமான பிரச்சினையை விவாதத் திற்குக் கொண்டுவரவேண்டும். நானும் கன்வினஸ் (convince) படுத்தத் தயாராக உள்ளேன். இதுபற்றி உங்கள் அறைக்கு வந்தும் சமர்ப்பிக் கின்றேன்.”

MR. SPEAKER :—“ வரும்பொழுது பிரிவிலெஜ் மோஷனை எழுதிக் கொண்டு வாருங்கள்.”

V.—PRIVILEGE MOTION *re* SRI KOSALRAM'S SPEECH PUBLISHED
IN THE DINAMANI—DISCUSSION *re*.

SRI A. SAMBASIVAM :—“ 23-12-53-ல் இந்த சபையில் பேசியதை சென்னையில் வெளியாகும் ஒரு தினசரி செய்தித்தாள் திருத்தி வெளியிட்டதற்காக அதன்மேல் நடவடிக்கை எடுக்க வேண்டுமென்று சொன்னேன். கனம் சபைத் தலைவர் அவர்கள் அது விஷயமாக என்ன செய்தார்? அதன் முடிவு என்னவாயிற்று? என்பதை தெரிந்துகொள்ள விரும்புகின்றேன், தாங்கள் அதைத் தெரிவிப்பதாகவும் சொன்னீர்கள். அப்படியிருந்தும் இன்னும் ஒன்றும் தெரிவிக்க வில்லையே என்று சேட்கின்றேன்.”

SRI S. SWAYAMPRAKASAM :—“ Sir, the hon. Member is referring to the privilege motion moved the other day. The Speaker said that he would correspond with the editor and inform the House the result.”

MR. SPEAKER :—“ Yes, the editor has been addressed and I am awaiting his reply. As soon as it is received, I will inform the House.”

[4th January 1954]

VI.—GOVERNMENT BILLS.

(1) THE STATE CO-OPERATIVE SOCIETIES (RECONSTITUTION AND FORMATION) BILL, 1954.

MR. SPEAKER :—“ I pass on to the next item. The Hon. Dr. Krishna Rao will move his motion.”

* THE HON. DR. U. KRISHNA RAO :—“ Sir, I beg leave to introduce the State Co-operative Societies (Reconstitution and Formation) Bill^a, 1954, and move—

‘ That the Bill be taken into consideration at once.’

“ Sir, the partition of the State necessitated the reconstitution of the three State Co-operative institutions, namely, the State Co-operative Bank, the Co-operative Central Land Mortgage Bank and the State Handloom Weavers' Co-operative Society. An Ordinance called the Madras State Co-operative Societies (Reconstitution and Formation) Ordinance, 1953 (Madras Ordinance II of 1953) was therefore promulgated, providing for the reconstitution of these societies by excluding from the area of co-operation the territory now comprised in the Andhra State. With the said territory as their area of operation, new societies have been formed. As the ordinance will cease to operate at the expiration of six weeks from the date of reassembling of the legislature, it is necessary to give permanent effect to any act done and decisions taken in pursuance thereof. The Bill is a non-controversial one and is intended to achieve the above objects. There is only one printers' mistake and I would like to point that out. In the Short Title the figure '1953' at the end of sub-paragraph (1) may be read as '1954.' I request that the Bill be taken into consideration at once.”

MR. SPEAKER :—“ Motion moved—

‘ That State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be taken into consideration at once.’

“ The Bill is before the House for discussion. The hon. Sri Ramalingam has given notice of an amendment. He may move his amendment.”

SRI S. RAMALINGAM :—“ Sir, I beg to move—

‘ That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be referred to a Select Committee.’

12-20
p.m.

“ கனம் சபாநாயகர் அவர்களே, என் பெயரால் இருக்கக்கூடிய திருத்தத்தை நான் பிரேரேபிக்கிறேன். இந்த மசோதாவை ஒரு பொருக்குக் கமிட்டிக்கு விட்டு அவர்களுடைய ஆலோசனையைக் கேட்டு ஒரு உறுதியான முடிவு செய்யவேண்டும் என்பதுதான் இந்த திருத்தத்தின் தாத்தரியம். இந்த திருத்தத்தை இந்த சபையின் முன்பு பிரேரேபிக்கிறேன். ஏற்கெனவே இருந்த சென்னை ராஜ்ய கோவாபரேடிவ் கிரெடிட் சொசைட்டிகளும், இன்னும் பல சங்கங்களும் ஆந்திர ராஜ்யம் பிரிக்கப்பட்ட பிறகு எவைகள் ஆந்திர மாகாணத்திற்கும் எவைகள் எஞ்சிய சென்னை ராஜ்யத்திற்கும் என்று நிர்ணயிக

^a Published in the *Fort St. George Gazette*, dated 22nd December 1953.

4th January 1954] [Sri S. Ramalingam]

கப்பட்டு ஒரு அவசரச் சட்டம் கொண்டுவரப்பட்டது. சென்னை ராஜ்ய கூட்டுறவு சொசைட்டி ரிஜிஸ்திரார் அவர்கள் ஒரு ஜெனரல் பாடி கூட்டத்தைக் கூட்டி அவர்கள் என்ன வகுக்கிறார்களோ அந்த யோசனையை ஒத்துக் கொண்டால் அதை சட்டமாக்க வேண்டும் என்றும் அதை ஒத்துக்கொள்ளா விட்டால் ஒரு ஹை கோர்ட் ஜட்ஜை நியமித்து அவர்களுடைய முடிவை சட்டத்தில் கொண்டுவர வேண்டும் என்று ஒரு யோசனை அந்த அவசர சட்டத்தில் கூறப்பட்டது. ஆனால் நம்முன் இருக்கக்கூடிய மசோதாவில் கனம் மந்திரி அவர்கள் பேசியபோது ஆந்திர மாகாணம் பிரிந்த பிறகு ஏற்பட்ட சங்கங்கள் என்னென்ன, அதன் மாறுதல்கள் என்ன, ஜெனரல் பாடி கூட்டம் கூட்டி ரிஜிஸ்திரார் அவர்களுடைய யோசனை என்ன, அந்த யோசனைகளை ஜெனரல் பாடி ஒத்துக்கொண்டதா, ஏதாவது விஷயத்தில் மாறுபட்ட அபிப்பிராயங்கள் இருக்கின்றனவா, யாராவது ஒரு ஜட்ஜை நியமித்து முடிவு செய்தார்களா, அந்த மாதிரியான விஷயங்களை நமக்கு அவர் தெரியபடுத்த வில்லை. என்ன மாறுதல்கள் ஏற்பட்டிருக்கின்றன, இது அவசரம்தானா, இந்த சட்டம் வேண்டுமா என்பதை இந்த சபையால் நிர்ணயிக்க முடியாது. ஆகவே ஒரு செலக்ட் கமிட்டியிடம் விட்டால் இந்த காரியங்களை கவனிப்பதற்கு ஓர் சந்தர்ப்பம் ஏற்படும், பிறகு கவனித்து ஒரு முடிவு செய்ய முடியும் என்பதை சொல்லிக்கொண்டு இதை பிரேரேபிக்கிறேன். அவசரச் சட்டத்தில் வந்தது என்ன, இந்த சட்டத்தில் என்ன மாறுதல் இருக்கிறது என்பது தெரியாமல் இருக்கிறது. அதை தெரிந்துகொள்ள வேண்டும்”

MR. SPEAKER :—“ இதை யாராவது செகண்ட் பண்ணவேண்டும். அதன் பிறகுதான் நீங்கள் பேசலாம்.”

SRI R. KRISHNAN :—“ I second the amendment.”

MR. SPEAKER :—“ Motion moved—

‘ That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be fererred to a Select Committee.’

“ The motion as well as the amendment are now before the House for discussion.”

* SRI M. PALANIYANDI :—“ கனம் சபாநாயகர் அவர்களே, தோழர் கனம் எஸ். ராமலிங்கம் அவர்கள் கொண்டுவந்திருக்கும் திருத்தத்தை ஆதரித்துப் பேசுகிறேன். அப்படி பேசும்போது கோவாப்பரேடில் சொசைட்டி மசோதாவை ஒரு பொறுக்குக் கமிட்டிக்கு விடவேண்டும் என்று கொண்டுவரப்பட்டுப் பிரேரேபணையை ஆதரித்துப் பேசும்போது இந்த மசோதாவில் பல சட்ட திட்டங்கள் அல்லது கோரிக்கைகளை யெல்லாம் சரிவர உணர்ந்து ஏழை மக்களுக்கு”

THE HON. SRI C. SUBRAMANIAM :—“ This Bill has nothing to do with that.”

MR. SPEAKER :—“ தயவு செய்து இந்த மசோதாவை படித்துவிட்டு பேசுங்கள்.”

SRI M. PALANIYANDI :—“ நான் இதை ஆதரிக்கிறேன்.”

* SRI K. VINAYAKAM :—“ Sir, before this House passes the Bill, I wish to have a small piece of information from the Hon. Minister. What are the new societies that have been formed and what are the societies that have been reconstituted after the promulgation of the Ordinance? ”

[4th January 1954]

* THE HON. DR. U. KRISHNA RAO :—“ Sir, as regards the point raised by my friend Sri K. Vinayakam, the answer to it is contained in items (c) and (d) of clause 2 which are as follows :—

‘ (c) Reconstituted societies means the Madras State Co-operative Bank, Limited, the Madras Co-operative Central Land Mortgage Bank, Limited, and the Madras State Handloom Weavers’ Co-operative Society, Limited, as reconstituted in pursuance of the Ordinance; (d) “ new societies ” means the Andhra Co-operative Central Land Mortgage Bank and the Andhra Handloom Weavers’ Co-operative Society.’

“ Sri Ramalingam wanted to know the purpose of the provisions in the Ordinance. The purpose was to enable the Registrar of Co-operative Societies to give a decision should any difference of opinion arise on any matter during the partition, and if his decision was not acceptable, to enable the reference of the matter to a High Court Judge. I am glad to announce that no objection was raised on any point during the partition and that there was no occasion for the Registrar to give any advice or for any High Court Judge to intervene. I feel that Sri Ramalingam will now be satisfied that this Bill merely reproduces the provisions of the Ordinance.

“ As regards the point raised by my hon. Friend Sri M. Palaniyandi, I submit that what he said does not come within the scope of this Bill. He wanted to go into the merits of the Co-operative Societies Act. That can be done when the Government bring forward a Bill to amend that Act or the hon. Member himself can bring forward a private Bill. This is a simple Bill reproducing the provisions of the Ordinance. My friend need not entertain any apprehension that any new provision has been introduced. This is a simple and harmless Bill which, I hope, will be accepted by the House.”

SRI S. RAMALINGAM :—“ இதை (என்னுடைய திருத்தத்தை) நான் வாபஸ் வாங்கிக்கொள்ளுகிறேன்.”

The amendment was by leave withdrawn.

MR. SPEAKER :—“ The question is—

‘ That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be taken into consideration at once.’ ”

The motion was put and carried.

Clause 2.

* SRI K. VINAYAKAM :—“ Sir, in the name boards put up in the offices of the Andhra co-operative institutions referred to in clause 2 (d), the word ‘ limited ’ is there. As far as my information goes, all these are limited concerns. I want to know whether the omission of the word ‘ Limited ’ in respect of the institutions referred to in clause 2 (d) is a slip.”

* THE HON. DR. U. KRISHNA RAO :—“ With regard to the societies in the Andhra State, I have no information to give. I take the information from the hon. Member. But I do not think

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the omission of the word ' Limited ' makes any difference whatever. If the hon. Member insists upon putting that word, I have no objection. But I suggest that we may leave the matter at that, and I will consider it."

* SRI K. VINAYAKAM :—" Without the addition of that word, the Bill may be a defective one."

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, this is merely a question about the legal position. The description of the co-operative institutions as ' limited ' may be right or wrong. If we do not say whether they are limited or not, there will be no difficulty whatsoever. Difficulty will arise only when we put in the word ' limited ' when they are not limited."

Clause 2 was put and carried.

Clauses 3 and 4, the Preamble and clause 1 were put and carried.

THE HON. DR. U. KRISHNA RAO :—" Mr. Speaker, Sir, I move—

' That the Bill be passed into law.'

" I do not think I need make any speech now. I thank hon. Members for the suggestions and the co-operation they have given."

MR. SPEAKER :—" Motion moved—

' That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be passed into law.'"

* SRI P. S. KRISHNASAMY AYYANGAR :—" Sir, . . ." 12-30 p.m.

MR. SPEAKER :—" The hon. Member ought to have stood up long before."

* SRI P. S. KRISHNASAMY AYYANGAR :—" Sir, this Bill is necessitated by the formation of the Andhra State, and beyond the districts that have been included in the Andhra State, some portion of the quondam Madras State has gone over to Mysore. Nothing has been stated in regard to that portion. Has it been affected by this Bill or not? I want to know that."

* THE HON. DR. U. KRISHNA RAO :—" Sir, so far as I know, no separate bank or handloom society or a land mortgage bank has been formed in Mysore as a result of the Andhra partition. There are already such institutions in the State of Mysore, and I submit, therefore, that question does not arise now."

* SRI K. VINAYAKAM :—" Sir, the Hon. Minister has not made the position clear. If my information is correct, there are co-operative societies in the abovementioned area. They were all

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inside the composite Madras State. What happens to them? They have gone to the Mysore State. What happens to the bank and societies that were in Bellary area that has gone now to Mysore State? The Bill does not speak anything about these cases.”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I may be permitted to explain. We have to divide the banks and the handloom co-operative society into two separate institutions with reference to Andhra and with reference to the Madras State. That division has been made. For that purpose, we wanted legislative sanction. The House was not sitting then. So an Ordinance was promulgated. The partition has taken place, and two separate institutions have come into existence. The institutions are operating in their respective areas. As far as Bellary area is concerned, it has been tacked on to Mysore State where there is already a co-operative organization with reference to banking operations and also with reference to the handloom societies. Therefore, by an enactment of the Mysore Legislature, they have to take over the management of all these societies and their affairs in the Bellary area. As such, there is no question of constituting a separate bank or handloom society with reference to that area. There was, therefore, no necessity to go into that question when we divided the assets and liabilities to form separate societies and separate banks. That being so, any mention here of Bellary area will not be appropriate. Mysore will take care of it. That Legislature will pass an enactment extending the jurisdiction of the bank to the Bellary area, over which they have got jurisdiction.”

* SRI P. S. KRISHNASAMY AYYANGAR :—“ It was previously included in the State Co-operative Societies Bill. Is it not to be excluded when the Andhra districts are excluded? Is not the Bellary area to be excluded from the operation of this Bill? ”

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, in no circumstances can our enactment have jurisdiction over the Bellary area. Now it does not form part of our State. The Ordinance is being validated with reference to our society only operating within our State, whatever might have been our jurisdiction before 1st October 1953. We have absolutely no jurisdiction now over Andhra and Bellary areas. If we are validating, it is only with reference to the state of affairs prevailing in our State. Whether we exclude Andhra area or the Bellary area, whatever is passed here cannot have any validity with reference to the Andhra area or the portion of the Mysore State. Therefore, we need not bother about mentioning the Andhra area or the Bellary area. It is only validating the affairs pertaining to our State.”

SRI A. RAMACHANDRA REDDIAR :—“ What about the assets and liabilities? ”

* SRI C. SUBRAMANIAM :—“ They have already been allocated and decided. Hon. Members may refer to the Andhra State Act, wherein, I believe, provision has been made with reference to assets and liabilities.”

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* **SRI S. RAMALINGAM** :—“ கூட்டுறவு கிரேடிட் சொசைட்டி, லான்ட் மார்ப்கேஜ் பாங்க் இவைகளில் நம்முடைய காபிடல் எவ்வளவு, எவ்வளவு பேர்கள் கடன் வாங்கி இருக்கிறார்கள், எவ்வளவு அங்கத்தினர்கள் இருக்கிறார்கள், பிரிந்துபோன ஆந்திர மாகாணத்தில் எவ்வளவு பேர்கள் இருக்கிறார்கள், எவ்வளவு கடன் இருக்கிறது, அவர்களுக்குக் கிடைக்கவேண்டிய தொகை என்ன இவைகளையெல்லாம் சொன்னால்தான் இந்த சட்டத்தை பாஸ் பண்ணமுடியும். இப்பொழுது இருப்பது வெளிச்சமாக இருக்கிறது. சும்மா குட்டையில் எருமை மாட்டை போட்டுக்கொண்டு விலை பேசுவது போல் இருக்கிறது. இதை யெல்லாம் தெரிந்து கொண்டால்தான் இந்த மசோதாவைப் பாஸ் பண்ணமுடியும்.”

* **THE HON. SRI C. SUBRAMANIAM** :—“ Sir, I wish better language is used with reference to the proceedings of this House. Apart from that, if the hon. Member wanted that information, certainly it would be given to him. But he was keeping quiet during the first reading stage and also the second reading stage. But when the Bill is in its third reading stage, and is put to vote, if the hon. Member should rise and ask for information, I am really sorry for it. If the hon. Member is interested, certainly we will give the information to him. Even if he asks for information in the form of a question, the information will be made available to him. The question was gone into by the directors concerned. That is why Mr. Ramachandra Reddiar referred to the assets and liabilities of the banks and societies. After all, the shareholders are interested in this. They have taken these things into consideration when they divided the assets and liabilities. The only thing is that we have to give legislative sanction for that. For that only we are validating the ordinance.”

MR. SPEAKER :—“ The question is—

‘ That the State Co-operative Societies (Reconstitution and Formation) Bill, 1954, be passed into law.’ ”

The motion was put and carried.

(2) **THE MADRAS GENERAL SALES TAX (AMENDMENT) BILL^a, 1954.**

* **THE HON. SRI M. A. MANICKAVELU NAICKER** :—“ Sir, I beg to introduce the Madras General Sales Tax (Amendment) Bill, 1954, and move—

‘ That the Bill be taken into consideration at once.’

“ Sir, I may explain the necessity for this Bill. There was an amendment to the General Sales Tax Act in the year 1951, which introduced a new section—section 2-A. Thereby a Tribunal was constituted in order to hear appeals against the decisions of officials lower down. The Tribunal consisted of a Chairman, who was a District Judge, and two other Members of whom one was a Chartered Accountant and the other a Deputy Commissioner of Commercial Taxes. Under the Act, it was incumbent that all the three Members of the Tribunal should sit together and dispose of cases. But we found in the actual working of the Act some drawbacks and

^a Published in the *Port St. George Gazette*, dated 9th December 1953.

[Sri Mr. A. Manickavelu Naicker] [4th January 1954]

defects. For example, if one of the three members takes leave for one month—every member is entitled to privilege leave for a month every year—the work of the Tribunal will come to a standstill, because it is incumbent that all the three should sit together. Again, if one member takes casual leave then the Tribunal cannot function. Again suppose one of the assesses, is a relation of one of the members, then that member cannot sit, and that is the difficulty. Again, the departmental member, who is one of the three members, might have given a decision as the Deputy Commissioner, when he was a Deputy Commissioner, and when the same case goes before him, he cannot sit on the Tribunal. If one member cannot take part in the proceedings of the Tribunal, the Tribunal cannot function, as it is incumbent under the Act that all the three should sit together. Therefore, it was found necessary that some alteration in the rules should be made. Further, when the Andhra Partition took place, of the three members who constituted the Tribunal then, two were allotted to the Andhra State. This reduced the number of the Tribunal to one. Therefore the Tribunal could not function. It was very necessary to see that the hearing of the cases was not delayed and the Government issued the ordinance on 31st October 1953. The rule requires that when an ordinance is promulgated, within six weeks from the date of the first meeting of the Assembly, a Bill should be brought before the Legislature and passed. That is why we have brought in this Bill. I commend this motion for the acceptance of this House.”

MR. SPEAKER :—“ Motion moved—

‘ That the Madras General Sales Tax (Amendment) Bill, 1954, be taken into consideration at once.’”

12-40 p.m. * SRI S. RAMALINGAM :—“ Mr. Speaker, Sir, I beg to move—

‘ That the Madras General Sales Tax (Amendment) Bill, 1954, be referred to a Select Committee.’

“ இந்த மசோதாவை ஒரு பெற்றுக்குக் கமிட்டிக்கு விடவேண்டும் என்று இந்த திருத்தத்தைப் பிரேரேபிக்கிறேன். காரணம் என்னவென்றால் கனம் மந்திரி அவர்கள் இந்த மசோதாவை பிரேரேபித்து பேசும்போது இந்த டிரிபூனலில் மூன்றுபேர்கள் இருந்தார்கள், அவர்கள் உட்கார்ந்து விசாரிக்கவேண்டிய இடத்தில் இரண்டு பேர்கள் உட்கார்ந்து விசாரிக்கவேண்டும் என்ற காரணத்தை எடுத்துக் கூறினர். ஆனால் வியாபாரிகளுக்கு கஷ்டங்கள், தொந்தரவுகள் இருக்கின்றன என்பதைப்பற்றி அவர் சொல்லவில்லை.”

THE HON. SRI C. RAJAGOPALACHARI :—“ வியாபாரிகளுக்கு தொந்தரவுகள் கிடையாது.”

* SRI S. RAMALINGAM :—“ வியாபாரிகளுக்கு நிறைய தொந்தரவுகள் இருக்கின்றன. ஆகையால் அவர்களுடைய அபிப்பிராயங்களையும் கேட்டு அதன் பிறகு ஒரு முடிவுக்கு வந்தால் நன்றாக இருக்கும். அது இல்லாமல் நாம் எதேச்சையாக சட்டம் செய்தால் அது நன்றாக இருக்காது. சம்பந்தப்பட்டவர்களைக் கேட்டு அவர்களுக்கு தங்களுடைய குறைகளைச் சொல்லிக் கொள்ள சந்தர்ப்பம் கொடுக்கவேண்டும். ஏற்கனவே இந்த விற்பனை வரி

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அதிகாரிகளால் வியாபாரிகளுக்கு அநேகம் தொந்தரவுகள் இருக்கின்றன வென்று இங்கும் வேளியிலும் எடுத்துச் சொல்லிக்கொண்டிருக்கிறார்கள். இவ்விதம் நாம் சட்டம் செய்தால் இன்னும் அவர்களுக்கு அதிகமாக தொந்தரவுகள் ஏற்படும், இதைப் பற்றி அநேகர் சாங்கோபாங்கமாக பேசி இருக்கிறார்கள். இன்னும் அதிகமான தொந்தரவுகள் ஆகாமல் இருப்பதற்காகவாவது அவர்களையும் கேட்டுக்கொண்டு இந்த சட்டத்தை நிறைவேற்றவேண்டும் என்பதற்காகத்தான் இதை பொறுக்குக் கமிட்டிக்கு விடவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.”

* SRI K. VINAYAKAM :—“ Mr. Speaker, while supporting the amendment of the hon. Member Sri Ramalingam to refer this Bill to a Select Committee, I adduce different reasons for the same. Now, the Sales Tax Appellate Tribunal consists of three Members and the Government state that a difficulty has arisen since the decision in all cases referred to the Tribunal has under the Act, to be taken by all the three members sitting together. They also say that it is very difficult to get all the members together for a sitting so as to dispose of cases referred to it for decision and that it causes inconvenience to the Tribunal. My fear in this respect is this. After all, how many cases are disposed of by this Tribunal per year? There cannot be so many cases as to inconvenience the Members. The Hon. Minister must come forward with categorical instances showing that so many cases were brought up before the Tribunal with the result that in those days all the three Members could not be brought together for a sitting which caused a lot of harassment or undue delay in the disposal of cases. We feel that there may not be many appeals to be heard by this Tribunal because the members of the merchant community do not appeal in all cases. They appeal only in strong and hard cases where they feel that they have been harassed or overassessed. But, in many cases, I have found from experience that the ordinary merchants do not want to encounter all these practical difficulties by taking their cases to the appellate authorities, which, of course, on the face of it, may be justified as far as their cases are concerned. They rather willingly submit to the insane rulings of the officers concerned and pay the tax assessed in order to avoid trouble. Such being the natural tendency of merchants, there may not be many cases coming up before the Tribunal for decision. In view of the smallness of the number of cases to be decided by the Tribunal, would it not be possible to so adjust as to see that all the cases are brought up before it when the three Members are present? Really, they cannot be absent for the entire year. As the Hon. Minister was saying, each Member can take one month's privilege leave in a year. Assuming that all the three Members take leave in different periods of the year, three months in a year will be there when the Tribunal cannot function. But there are nine months in a year when they can dispose of all the cases. My fear is this. If power is vested with one Member to decide this case or that, it amounts to vesting more power or concentrating power in a few hands, whereas it should be diffused among three Members where there will be more of democracy than officialdom. That is the idea which prompts me to request the Government to refer this Bill to a Select Committee where this aspect can be looked into.”

[4th January 1954]

* THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, hon. Members may know that the arrears were very considerable and it caused great inconvenience to parties and not merely to the Finance Department of the Government. It is necessary to dispose of taxation cases fairly expeditiously from the point of view of both the public exchequer and the merchant's exchequer. So far as the question whether it is better to have three Members on the Tribunal than having two is concerned, I may point out to the hon. Members that even in the High Court where very important cases are dealt with, generally two Judges dispose of most important matters and the Full Bench is not called in. Here, we have three Members on the Tribunal so that the matter may be disposed of without difficulty as and when occasion arises. Ordinarily, a Bench of two Members could be constituted out of the three Members, and it would be more than enough for disposal of cases pertaining to sales tax assessment. Further, provision is made that where there is a difference of opinion on any point, the original decision will stand where there is no upsetting by a majority. This is a simple provision in this Bill. I submit that the most important consideration is quick disposal and especially, members of the mercantile community and shopkeepers should be told what the final decision is. As a matter of fact, it was with very great difficulty that we were able to reduce the arrears this year.”

* SRI K. VINAYAKAM :—“ On a point of clarification, Sir. On a former occasion, a proposal for constituting such a Bench was brought forward in respect of cases coming up before the Taxation Appeals Committee of the Corporation. It was stated that difficulties were experienced by the assesseees as a result of the arrangement that the cases should be disposed of by a committee consisting of three members, inside the Corporation building. Then, the Hon. the Chief Minister came forward and pleaded that in view of the difficulties caused to the assesseees, an Appeals Committee consisting of two members, with the Chairman and another member, was enough to pass orders. Now, what is the experience that we are now gaining from the appeals referred to this Committee? I happen to be a Member of the Council of the Corporation. I may tell you, Sir, from my experience that as long as the entire Committee sat and decided cases, there was a little amount of justice meted out to the assesseees in the City of Madras. But since a law empowering a Committee consisting of only two members to pass judgments over these appeals was passed, the people have been experiencing great hardship and they have been feeling that the judgments passed by this kind of Appeals Committee are not justified. They have also no resource to go to the Court of law. They shrug their shoulders and say, ‘ May God help us ’. They simply pay the tax that is assessed and wash their hands of the business. That is the difficulty which we have been experiencing and out of practical experience, I am saying what effect this kind of curtailment of liberties has upon the assesseees concerned.”

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* THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, the hon. Member, if I may be permitted to rise again, has given his own reasons. The comparison with the arrangement in regard to the Corporation affairs lends support to this Bill. Here, it is provided that two members shall decide the matter and that is what exactly the law relating to the Corporation affair also provides. Here, we have made a provision that two members may sit over these matters and an additional provision as to what should be done if there is a difference of opinion. If there is a difference of opinion, the original decision shall prevail. That is the principle governing the whole matter. I submit that there is no great point, as far as I am able to see, in what the hon. Member Sri Vinayakam has said.”

* SRI S. RAMALINGAM :—“ கனம் சபாநாயகர் அவர்களே, கனம் 12-50
முதல் மந்திரி அவர்கள் சொல்லும்போது இரண்டு அங்கத்தினர்கள் p.m.
உட்கார்ந்து கொண்டு விசாரிக்கவேண்டுமென்று சொன்னார். இப்பொழுது
க்ளாஸ் 2 (சி)யில் படி இரண்டு அங்கத்தினர்கள் உட்கார்ந்து விசாரிக்கும்
போது இரண்டு அங்கத்தினர்களுக்கும் வித்தியாசம் ஏற்பட்டால் அவர்கள்
தனித்தனியாக தீர்ப்புக் கூறவேண்டும் என்றும் என்னென்ன விஷயங்களில்
அவர்கள் ஒப்புக்கொண்டிருக்கிறார்களோ அவைகளில் ஒருதலைத் தீர்ப்புக் கூற
வேண்டும் என்றும் அவர்களுக்கு வித்தியாசம் ஏற்பட்டிருக்கும்போது எப்படி
தீர்ப்புக் கூற வேண்டும் என்றும் இருக்கிறது. இதனால் வியாபாரிகளுக்குத்
தான் பாதகம் ஏற்படுவதோடு அவர்கள் அதிகப்படியான வரி
கொடுக்கவேண்டியதாக இருக்கும். அதிகாரிகள் கொடுக்கும் கணக்கை
வைத்துக்கொண்டுதான் அவர்கள் தீர்ப்புகள் சொல்லுவார்கள். அதனால்
தான் கண்டிப்பாக இந்த மசோதாவைக் கொண்டு வருவதற்கு முன்
வியாபாரிகளை விசாரித்து அவர்களுடைய அபிப்பிராயத்தைத் தெரிந்து
கொள்ளவேண்டும். அதனால்தான் இந்த மசோதாவை ஒரு செலக்ட்
கமிட்டிக்கு விட வேண்டும் என்ற திருத்தத்தைப் பிரேரேபிக்கிறேன்.”

MR. SPEAKER :—“ நீங்கள் இந்த திருத்தத்தை வாபஸ் வாங்கிக்
கொள்ளுகிறீர்களா ? ”

SRI S. RAMALINGAM :—“ நான் வாபஸ் வாங்கிக்கொள்ளவில்லை.
வற்புறுத்துகிறேன். I press.”

MR. SPEAKER :—“ I am now going to put the amendment of
hon. Member Sri S. Ramalingam to the vote of the House. The
question is—

‘ That the Madras General Sales Tax (Amendment) Bill,
1954, be referred to a Select Committee.’ ”

The motion was put and lost.

MR. SPEAKER :—“ I am now going to put the original motion
to the vote of the House. The question is—

‘ That the Madras General Sales Tax (Amendment) Bill,
1954, be taken into consideration at once.’ ”

The motion was put and carried.

Clause 2.

MR. SPEAKER :—“ The motion moved—

‘ That clause 2 do stand part of the Bill.’ ”

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SRI N. K. PALANISAMY :—“ Sir, I shall move my amendment.”

MR. SPEAKER :—“ நீங்கள் இரண்டு திருத்தங்கள் கொடுத்திருக்கிறீர்கள். எந்த திருத்தத்தை இப்பொழுது நீங்கள் பிரேரேபிக்கப் போகிறீர்கள் ? ”

SRI N. K. PALANISAMI :—“ Sir, I move my first amendment which reads,—

‘ In sub-clause (i), in line 3, after the words “ appoint ”, insert the words “ In consultation with the South Indian Chamber of Commerce ”.’ ”

SRI S. RAMALINGAM :—“ I second the amendment, Sir.”

SRI M. NARAYANA KURUP :—“ Sir, I move the following amendments standing in my name :—

‘ (1) In the proposed new sub-section (1) of section 2-A, add at the end, the words “ but they shall be non-officials ”.

‘ (2) In the proviso to the proposed new sub-section (3) (a), for the word “ may ” substitute the word “ shall ”.

‘ (3) In the proposed new sub-section (3) (c), after the words “ appellant or applicant ” in the fourth line, insert the words “ if the Bench in its discretion does not think fit to post it before a Full Bench ”.’ ”

SRI K. T. SREEDHARAN :—“ I second the amendments, Sir.”

SRI S. RAMALINGAM :—“ Sir, I move—

‘ In the proposed sub-section 3 (c), for the word “ against ” occurring in lines 4 and 7, substitute the words “ in favour of ”.’ ”

The amendment was duly seconded.

MR. SPEAKER :—“ Clause 2 and the amendments thereto moved by hon. Members Sri M. Narayana Kurup, Sri N. K. Palanisami and Sri S. Ramalingam are now before the House for discussion.”

* SRI M. NARAYANA KURUP :—“ Sir, my intention in moving my first amendment is that there should be non-officials. As the provisions stand at present it may be that both the two members may be officials of the department. In regard to legal questions and technical matters, a man of the grade of District Judge and a man having knowledge of the department and its working may be essential. But let me submit that such a qualified man may be available outside, or we may even have retired officials. The danger of making the same person a prosecutor as well as a judge is inherent in any Committee or Tribunal. My amendment only says that there shall be non-officials. If the Government, however think that some qualifications are necessary for the people,

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such qualifications as the Government may think fit, may be prescribed. By doing this, their object can also be achieved with a certain amount of apparent fairness to the parties concerned, because they will not go in appeal before the same department which has assessed them or which has done them an injustice.

“As regards my second amendment. I wish to submit that when complicated questions of law crop up, the matter should be referred to the Chairman and his opinion ascertained. It is possible that such questions of law may be discussed by a Bench of two members who are not at all conversant with law. Of course, this section gives them the option, or in other words, consultation with the Chairman is made optional. Inasmuch as two of the members are likely to be departmental officials, such complicated questions should be dealt with only after obtaining the permission or the opinion of the Chairman. That is why I want to substitute the word ‘shall’ for the word ‘may’ in this proviso.

“Sir, the Hon. Chief Minister just now explained how cases are being disposed of. Now, this is a Tribunal of three judges. It is quite possible that questions may be discussed by two of them. If there is a dissenting voice, they cannot, according to the present provisions, refer the matter to a third judge or place it before a Bench. In important matters, where members themselves feel that it is a fit case that should be considered by a Full Bench, the discretion of the two members should not be tied down. The section does not make it obligatory on them to refer the matter to a third member or judge. When the members differ in fundamentals and at the same time feel that a particular matter is a fit case to go before a third judge, they may be allowed to refer it to a third judge. I think this is a very reasonable amendment. I see no reason why the Government cannot accept this amendment as well as the other two amendments which are after all formal ones and do not materially affect the provisions of the Bill or the intention of the Government.”

* THE HON. SRI C. RAJAGOPALACHARI :—“Sir, before you proceed to allow other hon. Members to speak on the amendments, I would like to know from hon. Member Sri Narayana Kurup what exactly he means by saying that there should be non-officials. Does he mean that the non-officials should be honorary members? Or is it his intention that in selecting the judges for the Tribunal we should select people who have no legal or other official qualifications and that we should select only non-officials? Let me inform the hon. Member that the Tribunal is a permanent Court. It is not an *ad hoc* courts sitting now and then. It is a permanent Court so to say.”

SRI M. NARAYANA KURUP :—“Sir, I only wanted to know whether these other two persons will be connected with the department which taxes these people.”

* THE HON. SRI C. RAJAGOPALACHARI :—“They are persons with judicial or accounts qualifications. Non-officials would be without any qualification for such work.”

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SRI S. SWAYAMPRAKASAM :—“ They should not be connected with the taxation department.”

THE HON. SRI C. RAJAGOPALACHARI :—“ They are permanently transferred to the Tribunal.”

SRI N. K. PALANISAMI :—“ Sir, I move—

‘ In clause (c) of the proposed sub-section (3), for the words “ the point shall be found . . . points on which they are divided,” substitute the words “ the appeal or application shall be referred to the Tribunal consisting of all the three members for decisions ”.’

“ கனம் சபாநாயகர் அவர்களே, ட்ரிபுனலில் ஏற்கனவே மூன்று பேர்கள் உட்கார்ந்து கொண்டு விசாரிக்க வேண்டும் என்று இருந்தது. இந்த மசோதாவைக் கொண்டு வந்த காரணம் நியாயம் கிடைக்கக் கூடாது என்பதற்காகத்தான். வியாபாரிகளுக்கு அப்படியே தொந்தரவுகள் இருக்கவேண்டும் என்பதற்காகத்தான் இதைக் கொண்டு வரப்பட்டிருக்கிறது. கண்டிப்பாக மூன்று பேர்கள் இருந்துகொண்டுதான் விசாரிக்கவேண்டு என்று இருக்கவேண்டும். இரண்டு பேர்கள் உட்கார்ந்து கொண்டு விசாரிக்கலாம் என்று இருக்கக்கூடாது. வியாபாரிகளுக்கு ஏற்கெனவே சர்க்கார் அதிகாரிகளால் கொடுக்கக்கூடிய தொல்லைகள் பற்றி எல்லோருக்கும் தெரியும். இருந்தபோதிலும் அனுபவம் இல்லாத அங்கத்தினர்களைப் போட்டால் அவர்கள் அதிகாரிகள் செரல்லுவதைத்தான் ஏற்றுக்கொள்ளுவார்கள். அவர்களும் வியாபாரிகளுக்கு சாதகமாக தீர்ப்புச் சொல்லமாட்டார்கள். வியாபாரிகளுடைய வருமானம் என்ன, அவர்களுடைய வியாபாரம் என்ன, அவர்கள் என்ன வரி கொடுக்கவேண்டும், என்ன வியாபாரம் செய்கிறார்கள் என்பதை தெரிந்து கொள்ளமுடியாது. இவைகளைப்பெல்லாம் அவர்கள் யோசித்துச் செய்ய முடியாது. சர்க்கார் அதிகாரிகள் என்ன தொகை கொடுக்கிறார்களோ அதை வைத்துக்கொண்டுதான் அவர்கள் தீர்ப்பு சொல்லுவார்கள். வியாபாரிகள் சம்பந்தப்பட்டதைச் சொல்ல தென்னிந்தியா வியாபாரிகள் சங்கம்தான் வியாபாரிகளுடைய விஷயத்தை எடுத்துச் சொல்ல முடியும். ஆகவே அவர்களைக் கலந்துகொண்டு இந்த ட்ரிபுனலுக்கு அங்கத்தினர்களைப் போடவேண்டும் என்று இந்த தீர்மானத்தை பிரேரேபிக்கிறேன்.

The amendment was seconded.

MR. SPEAKER :—“ Motion moved—

‘ In clause (c) of the proposed sub-section (3), for the words “ the point shall be found . . . points on which they are divided ”, substitute the words “ the appeal or application shall be referred to the Tribunal consisting of all three members for decision ”.’ ”

DR. K. B. MENON :—“ I understand the point made by the Hon. the Chief Minister. But I do believe that the induction of a non-official with qualifications into the Tribunal will be a healthy factor.”

THE HON. SRI C. SUBRAMANIAM :—“ Once he is put on the Tribunal, he will become an official.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ We are now appointing many tribunals. The hon. Member knows what is going on. We select people with judicial experience who are fairly free and have retired from service but are not too old. We

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provide that at least one should be a judicial officer. If it is possible to get more people with judicial qualifications, we would certainly prefer them. But at least one should be there and that is what is put down in clause 2. As regards others, we shall prescribe such qualifications as will secure us the right type of men. Hon. Members should also remember that in dealing with large trade matters and assessment matters, it is no use creating a state of things where public suspicion will be roused. So, there is no question of having non-officials in a semi-official position. They become officials as soon as they are put on the job. It will be exceedingly difficult to open out the Tribunal to non-officials as if it were a committee. I think that is the position. We have canvassed all probable difficulties and have dealt with them. We cannot improve on the terms of the Bill. This is all the assurance I can give. We have tried our best to constitute a proper court."

SRI K. VINAYAKAM :—" May I know from the Hon. the Chief Minister whether the Government had any difficulty in the matter of choosing members with proper qualifications from among non-officials for the present Tribunal? Had they any practical difficulty? Otherwise, why should they relax the qualifications in the Bill? "

* THE HON. SRI C. RAJAGOPALACHARI :—" We have not made any change in that respect. As far as I know, the position is this. The qualifications required are two-fold. One is they should be legally trained and they should have a judicial temperament. The other is that they should know something about the nature of the work that they have to do—namely, accounts, money, trade, business and the like. These are kept in mind in choosing members. It is not easy to get non-officials with judicial qualifications. There are several difficulties in making the selection. Even for a judge's post, we find difficulties. As regards the membership of the Tribunal it is not considered as good as a High Court judgeship to which with some difficulty we get the right type of people to help to some extent. Therefore, we have reduced the minimum number of judicial members to one, a district judge or a man like him. The other two will be carefully chosen with reference to other qualifications. Very likely, the other person will be one who has got accounts experience and experience in trade and commercial transactions. I do not think we can improve the position by opening out the Tribunal to non-officials. The great danger is that if we create a situation as exists in the case of the City Corporation with which my friend, Mr. Vinayakam, is conversant, persons concerned will try to go to the judges themselves, and we are anxious to avoid such things happening."

SRI M. NARAYANA KURUP :—" My only anxiety was whether the officials of the department would be transferred as Members of the Tribunal."

THE HON. SRI C. SUBRAMANIAM :—" Once they go into the Tribunal they will not revert to their original jobs."

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SRI M. NARAYANA KURUP :—“ Once they go, I know they will become independent. But I want to know whether they will be appointed at all as Members.”

THE HON. SRI C. SUBRAMANIAM :—“ One Member will be from the Department because, otherwise, the Tribunal cannot know the nature of the work it has to do.”

THE HON. SRI C. RAJAGOPALACHARI :—“ How can we turn the scale entirely against the Government ! ”

MR. SPEAKER :—“ I shall now put the amendments to the vote of the House. The question is—

‘ In sub-clause (i), in line 3, after the word “ appoint ”, insert the words “ in consultation with the South Indian Chamber of Commerce ”.’ ”

THE HON. SRI C. RAJAGOPALACHARI :—“ I think the hon. Member, Mr. Palanisami, will withdraw the amendment for the sake of his party.”

SRI N. K. PALANISAMI :—“ I withdraw the amendment.”

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER :—“ The question is—

“ In the proposed new sub-section (1) of section 2-A, add at the end, the words ‘ but they shall be non-officials ’.’ ”

SRI M. NARAYANA KURUP :—“ In view of the assurances pressed upon me, I do not press my amendment, Sir.”

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER :—“ The question is—

‘ In the proviso to the proposed new sub-section (3) (a), for the word “ may ” substitute the word “ shall ”.’ ”

‘ In the proposed new sub-section (3) (c), after the words

“ In the proposed new sub-section (3) (c), after the words “ appellant or applicant ” in the fourth line, insert the words “ if Bench ”.’ ”

SRI M. NARAYANA KURUP :—“ I withdraw the amendment.”

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER :—“ The question is—

‘ In clause (c) of the proposed sub-section (3) for the words “ the point shall be found . . . points on which they are divided ”, substitute the words “ the appeal or application shall be referred to the Tribunal consisting of all the three members for decisions ”.’ ”

SRI N. K. PALANISAMI :—“ I withdraw my amendment.”

The amendment was, by leave of the House, withdrawn.

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MR. SPEAKER :—“ I shall now put Mr. Ramalingam's amendment to vote.”

SRI S. RAMALINGAM :—“ Sir, the Government are considering my amendment. I want the proposed sub-section (3) (c) to be so amended as to provide that, where the Bench consisting of two members are divided in their opinion, the point shall be found in favour of the applicant or appellant.”

THE HON. SRI C. RAJAGOPALACHARI :—“ That is, if there is difference of opinion, the appellant should succeed? This would be a very unique proposal in the whole of the Statute Book? ”

* SRI S. RAMALINGAM :—“ நான் என்ன சொல்ல விரும்புகிறேனென்றால், சாதாரண கரிமினஸ் கேஸ்களில் கூட benefit of doubt is given to the accused.” 1-10 p.m

THE HON. SRI C. RAJAGOPALACHARI :—“ Here the Government is the accused.”

* SRI S. RAMALINGAM :—“ Here the aggrieved party is the merchant, வியாபாரிகள் இவ்வளவு தொகை கொடுக்கவேண்டுமென்று அதிகாரிகள் நிர்ணயித்திருக்கும் தொகையானது அதிகம், அதைக் குறைக்க வேண்டுமென்று அப்பெல்லட் ட்ரிபுனலுக்கு அப்பீல் பண்ணுகிறார்கள். அதே நிலை அப்பீலுக்குப் போயும் நீடிக்குமானால் வியாபாரிகள் பாதிக்கப்படுகிறார்கள். அதனால், வியாபாரிகள் தான் ‘aggrieved party’ என்ற முறையில் இருக்கிறார்கள். ஆகவே, ‘benefit of doubt’ வியாபாரிகளுக்கு காட்டுவதுதான் நல்லது. அதுதான் நியாயம் என்றும் நினைக்கிறேன்.

“இரண்டாவதாக வியாபாரிகளும் மற்றவர்களும் கிளர்ச்சி செய்து கொண்டு வருகிறார்கள். அவர்கள் கிளர்ச்சி செய்து வருவதினால், இதை அவர்களுக்குச் சாதகமாகச் செய்யலாம். அதனால் சர்க்காருக்கு நஷ்டமில்லை.

“மூன்றாவதாக இருந்த அங்கத்தினர் ட்ரிபுனலில் விஜாரிக்கட்டும். ஏற்கனவே உள்ள பிரிவு கூறுவதாவது.

‘Provided, that if any case which comes up before a Bench (of which the Chairman is not a member) involves a question of law, the Bench may, in its discretion, reserve such case for decision by a Bench of which the Chairman shall be a member.’

“Judicial point இலே இருவருக்கும் வேற்றுமை ஏற்பட்டால், தலைவராக இருக்கக்கூடியவருக்கு அந்த மாதிரி கேஸ் ரிசர்வ் செய்துவிடலாம் என்று மசோதாவில் இருக்கிறது. அந்த மாதிரி இருக்கும்போது இருவருக்குமிடையே வித்தியாசமோ மாறுபட்ட அபிப்பிராயமோ ஏற்பட்டால், அவர்கள் முடிவு பண்ணட்டும் என்று இருப்பது நியாயம் அல்ல. இல்லையென்றால், வியாபாரிகள் மேலும் கஷ்டப்படுவதற்கே இந்த க்ளாஸ் இருக்கும். ஆகையால், சர்க்கார் இதை கவனித்து புனராலோசனை செய்து, ஒத்துக் கொள்வார்கள் என்று நினைக்கிறேன்.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ I am speaking informally. The proposal is that not only in questions of law but also in questions of fact also—I think it comes to that—the Bench may have discretion to refer the case to another Bench with the Chairman on it, the Chairman is not in the original Bench as in the proviso to the sub-clause. I do not think the hon. Member is pressing the other point, that wherever there is a difference of

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opinion the appellant shall be enabled to succeed. It is so unreasonable and I think he would not press it. His proposal is definitely a different one, namely, not merely on a question of law but even on a question of fact, the Bench should have discretion to refer the case to another Bench with the Chairman. The point is the person who is judicially qualified is bound to be the Chairman, and therefore, provision is made that where it is a question of law, it should be sent to a Bench with the Chairman. Difference of opinion may arise on points of fact because there are two in the Bench and how can we say that the Bench shall have discretion to refer the case again to another Bench. Even on that they would again differ, one from the other. It will be impossible to get a unanimous verdict on questions of fact. The existing provision is well-conceived. It would not be possible easily to improve upon it. If there is any difficulty in the working of the law, we will try to improve it by and by. As it is, we cannot improve it by adopting the amendment now proposed by the hon. Member."

MR. SPEAKER :—" Is the hon. Member withdrawing his amendment."

SRI S. RAMALINGAM :—" No, Sir. I am pressing my amendment."

MR. SPEAKER :—" The question is—

' In the proposed sub-clause (3) (c), for the word " against " occurring in lines 4 and 7, substitute the words " in favour of " . ' "

The amendment was put and lost.

MR. SPEAKER :—" There are no amendments to Clause 3. I am now going to put the Preamble and Clauses 1, 2 and 3 to the vote of the House."

Clauses 3, 2, 1 and the Preamble were separately put and carried.

THE HON. SRI M. A. MANICKAVELU NAICKER :—" I beg to move—

' That the Bill be passed into law. ' "

MR. SPEAKER :—" Motion moved—

' That the Bill be passed into law. ' "

* SRI K. VINAYAKAM :—" Mr. Speaker, Sir, I rise to oppose this Bill. I know I have very little chance of convincing the Government and make them withdraw this Bill. The object of constituting the Tribunal is to dispense justice to the parties concerned. The suspicion of the Opposition is gradually increasing that the intention of the Government is to create a departmental clique. The departmental demi-gods will be enabled to control the Tribunals. Whenever there is difference of opinion, the power to decide the issue is vested with the Chairman because he has judicial knowledge. The point which this side of the House was pressing upon the Government was that the appellant must have

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some scope to get justice from the Tribunal. But here the object with which the Bill has been drafted seems to be to create a 'steel frame.' Tribunal so that the man who goes before the Tribunal is only drawn into a series of appeals, just given a show-down, and finally he succumbs to the ruling of the Tribunal. This is the reason why, I once again appeal that the Bill should be referred to a joint Select Committee."

MR. SPEAKER :—" This is not the stage to make such a recommendation."

* SRI K. VINAYAKAM :—" Then I appeal to the Government to reconsider the position and recast the Bill giving effect to the amendments moved by hon. Members."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, in spite of the great emphasis laid by the hon. Member in his speech, he has not convinced me of the necessity for his voting against this Bill. I am afraid he has too much of the departmental phobia. The Tribunal will consist of three members. One will be a District Judge, a man possessing judicial knowledge and experience. The second will be a non-official, a chartered accountant. When he is appointed he will become a full-time servant of the Government. He will be coming with all his non-official experience and sympathies. The third will be a departmental man. He is being put in the Tribunal because, with his departmental experience he can advise the Tribunal on assessment and all such matters. Once he is appointed to the Tribunal he will cease to owe any allegiance to the Department. Probably after he becomes a Member of the Tribunal, with a vengeance he may turn the other way. One cannot say exactly.

" Sir, I request that in Clause 1, the year 1953 may be changed to 1954."

MR. SPEAKER :—" The question is—

" That the Madras General Sales Tax (Amendment) Bill, 1954, be passed into law."

* SRI P. S. KRISHNASAMY AYYANGAR :—" Mr. Speaker, Sir, with regard to the provision in sub-clause (3) (a) giving discretion to reserve cases"

MR. SPEAKER :—" I have already given a chance to the hon. Member. As a special case I shall allow him to speak again now."

* SRI P. S. KRISHNASAMY AYYANGAR :—" Sir, I was not able to keep pace with the speed of the House and therefore I request I may be given an opportunity. According to the sub-clause, when difference of opinion on a question of law arises before a Bench, discretion is given to the Bench to reserve the case for decision by another Bench. Is the discretion confined only to reserve it for decision by some other Bench or is the right to determine the Bench which has got to decide it finally, also given to the

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Bench before which the question of law arises? It is not clear here. Conflict may later on arise. The Bench before which the question of law arises may say: 'I have got to determine the Bench which has got to finally decide this case.' The Chairman may say: 'I have the exclusive right to appoint such a Bench. The position is not clear in the Bill. To avoid such conflicts between one Bench and the Chairman of the Bench, I want that the point should be made clear.'

THE HON. SRI C. RAJAGOPALACHARI:—"The point made by the hon. Member Sri Krishnasamy Ayyangar is this. In the proviso a note should be made to the effect: 'in its discretion reserve any such cases for decision by a Bench to be constituted by the Chairman and the Chairman shall be a Member.' We may probably accept that, Sir."

MR. SPEAKER:—"There is no amendment before the House. If it is only a verbal amendment, I have no objection to accept the amendment proposed by Government. The Hon. Minister may move the amendment."

* THE HON. SRI C. SUBRAMANIAM:—"I move, Sir, that, clause 2 be re-opened for consideration and

'in proviso to sub-section (3) (a) after the word "Bench" occurring in line 4, insert the following words, namely, "to be constituted under this clause".'

The motion was carried and the consideration of the clause was re-opened.

MR. SPEAKER:—"With the permission of the House, I am re-opening clause 2. There is a verbal amendment to sub-clause (3) (a). The motion is—

'That in proviso to sub-section (3) (a) after the word "Bench" occurring in the line 4, insert the following words "to be constituted under this clause."'

"I am going to put the amendment to the vote of the House."

1-20 p.m. SRI S. RAMALINGAM:—"Let the Hon. Minister explain it."

* THE HON. SRI C. SUBRAMANIAM:—"Since Mr. Ramalingam wants an explanation, I shall explain the position. A doubt has arisen as to who are to constitute the new Bench when the original Bench refers a question of law to another Bench. It is not as if discretion is given to the original Bench itself to decide this matter. So, for this purpose, I moved—

'That in proviso to sub-section (3) (a) after the word "Bench" occurring in line 4, insert the following words "to be constituted under this clause".'

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MR. SPEAKER :—“ The question is—

‘ That in proviso to sub-section (3) (a) after the word “ Bench,” occurring in the line 4, *insert* the following words “ to be constituted under this clause ”.’ ”

The amendment was put and carried.

* SRI P. S. KRISHNASAMY AYYANGAR :—“ Sir, in sub-clause 3 (c) mention has been made about the difference of opinion between the members constituting the Bench on any ‘ point.’ The ‘ point ’ may be a ‘ point of law ’ or a ‘ point of fact ’. With regard to a ‘ point of law ’ provision is made in the proviso to the sub-clause but with regard to a ‘ point of fact ’ no provision is made. If there is difference of opinion as to whether a point is on a ‘ point of fact ’ or a point of law what is to be done? Therefore, instead of the word ‘ point ’ the words ‘ point of fact ’ should be there.”

THE HON. SRI C. RAJAGOPALACHARI :—“ Many more difficulties will be raised. We may leave them to the lawyers concerned.”

Clause 2 as amended was put and carried.

MR. SPEAKER :—“ The question is—

‘ That the Bill as amended be passed into law.’ ”

The motion was put and carried and the Bill was passed into law.

MR. SPEAKER :—“ The House will now adjourn for lunch and meet again at 2-30 p.m.”

The House then adjourned for lunch.

(After lunch—2-30 p.m.)

(3) THE MADRAS CONTINGENCY FUND BILL^a, 1953.

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, I beg leave to introduce the Madras Contingency Fund Bill, 1953 and move—

‘ That the Bill be taken into consideration at once.’

“ This is a very formal Bill. As hon. Members are aware, the Government cannot draw money from the Consolidated Fund except under the authority of the Legislature. It is only for that purpose, after we vote the various Grants, we pass, what is known as the Appropriation Bill, giving authority to the Government to draw money from the Consolidated Fund of the State. But, apart from the Budget proposals, for which sanction is granted by the Legislature, the Government may have to undertake new schemes which have not been contemplated at the time of making the Budget proposals and those cases have to come up before this House again by way of Supplementary Demands. Before we get authority from the Legislature, it is necessary to incur some expenditure. For that purpose, we constitute, what is known as, the Contingency Fund. From that Fund, the Governor is

^a Published in the *Fort St. George Gazette*, dated 9th December 1953.

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authorized to advance money to the Government for being utilized on New Services. Later on, when the Legislature sanctions the expenditure and votes the Grant, this money is put back into the Contingency Fund so that the Contingency Fund, at the end of the year, will remain at the same figure. We had the Contingency Fund Act of 1950 with reference to the State as a whole, providing one crore of rupees for this Fund. After the separation of the Andhra State, the balance left over is only about forty or fifty lakhs of rupees which will go back to the Consolidated Fund. That is why a new Bill with reference to our residuary Madras State has been brought forward, and it is proposed that a sum of Rs. 75 lakhs may be constituted as the Contingency Fund. Therefore, I would request the hon. Members to pass this Bill."

MR. SPEAKER :—" Motion moved—

' That the Madras Contingency Fund Bill, 1953, be taken into consideration at once.' "

SRI K. P. GOPALAN :—" Sir, I move—

' That the Madras Contingency Fund Bill, 1953, be referred to a Select Committee.' "

- SRI S. RAMALINGAM :—" Sir, I second the amendment."

MR. SPEAKER :—" Amendment moved—

' That the Madras Contingency Fund Bill, 1953, be referred to a Select Committee.' "

The motion and the amendment are now before the House for discussion.

SRI K. P. GOPALAN :—" Sir, the Statement of Objects and Reasons appended to the Bill is very vague and not at all clear. In that statement, it is merely stated that ' it is proposed to re-constitute the Contingency Fund for the residuary State of Madras consisting of a sum of Rs. 75 lakhs to be transferred from the Consolidated Fund of the State '. Even the Hon. the Minister for Finance, in his speech, did not give full explanation as to the purpose of this Bill. In the Budget, there is already provision for discretionary grants. Moreover, the sum of Rs. 75 lakhs is a very huge amount though I may say that there should be some amount left in the hands of the Governor for discretionary purposes. We are meeting very often,—I think every two or three months—and whenever any emergency arises, we can meet and consider any Resolution or Bill that the Government may bring forward.

" Also, I want to know from the Hon. the Finance Minister whether this amount is accountable or not? I also want to know whether the money spent by the Governor also will come up before this House for approval. I want to get all this information and that is why I moved this amendment."

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SRI S. RAMALINGAM :—“ Sir, it is stated in the Statement of Objects and Reasons that

“ Expenditure incurred from the fund from April to September 1953 on account of the composite State of Madras could not be recouped to the fund as required by section 2 (3) of the Act due to the partition of the State. ”

“ முன்னமேயே சொல்லியது போல ஒரு கோடி ரூபாயில் கவர்னர் எவ்வளவு செலவு செய்தார். இதெல்லாம் ஒன்றும் சொல்லுவது இல்லை. ஆந்திர தேசம் பிரிந்த பிறகு ஏன் ஒரு கோடி ரூபாய் ரிப்ளேஸ் (replace) பண்ணவில்லை என்பதை தெளிவு படுத்தினால் நன்றாக இருக்கும். ”

* **SRI K. VINAYAKAM** :—“ Sir, I am not harping on the point that this Bill should be referred to a Select Committee and I dissociate myself from that motion. But, by way of information, I would like to know what is the amount now in the Consolidated Fund with the Government of Madras? ”

* **THE HON. SRI C. SUBRAMANIAM** :—“ Sir, it is a daily account of the cash balance standing to the credit of the Madras Government. I am not able to give the information off-hand. It will be about Rs. 6 crores now. 2-40 P.M.

“ The difficulties raised by hon. Members, Sri K. P. Gopalan and Sri S. Ramalingam, have some importance because there seems to be a misapprehension that this sum of Rs. 75 lakhs is intended for use as discretionary grants to be spent at the discretion of either the Governor or the Government. There is absolutely no such thing. If only the hon. Members would go through Articles 204, 205 and 206 of the Constitution, I am sure that all these doubts will be very easily cleared. The point to be remembered in this connexion is that we cannot draw any amount from the Consolidated Fund except under the authority of the Legislature. The Governor is there only representing the Government and this has nothing to do with the discretionary grants of the Governor or any such thing. The Government as such could draw monies from the Consolidated Fund only with the authority of the Legislature. It is the Appropriation Act which gives this power to the Government but the monies could be drawn only with reference to the various items and schemes mentioned therein for which specific Grants have been made by the Legislature. But, sometimes unforeseen expenditure on new schemes have to be incurred. I will mention to the House an instance which happened last year before the partition of the State. We had to incur large expenditure over the location of the Andhra Capital. There was no Budget provision but the amounts had to be spent. We had to meet this expenditure from the Contingency Fund. So also, a new scheme may have to be started suddenly which was not contemplated before. It may be that a new health scheme may have to be started or, take for instance, expenditure on famine relief work. Suppose that sufficient provision has not been made in the Budget and we have to start new schemes of famine relief works. We cannot be summoning the Legislature immediately for getting its authority. So, we spend the money towards these new services from the Contingency Fund. It is not as if the amounts

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spent from the Contingency Fund do not come before Legislature for scrutiny and sanction. Every item has got to be placed before the Legislature under Articles 204, 205 and 206 of the Constitution and specific sanction obtained later on. Every amount has got to be ratified by the Assembly and then only the amount expended from the Contingency Fund can go back into the Fund. The discussion on these Supplementary Demands takes place as in regard to any other Demand during the General Budget Discussion. There have been no Supplementary Demands this year because every item of expenditure has been ratified by the Andhra State Bill. This is a peculiar situation which may not arise hereafter. I can assure hon. Members that whatever amounts the Government spend outside the Budget will be brought for ratification before the Assembly. There is no question, therefore, of this Fund being utilized for any unauthorized purpose without the proper sanction of the Legislature. This Fund is something like what we call in business a 'Suspense Account'. Money is spent immediately the need arises and subsequently the ratification of the Assembly is obtained. In regard to such expenditure, proper safeguards have also been laid down in the Constitution in Articles 205 and 206. I can assure hon. Members that by the creation of this Contingency Fund no irregularities can occur. It is only in pursuance of Article 206 of the Constitution that we are setting up this Fund and apart from this, there is nothing else. I would, therefore, request the hon. Member Sri K. P. Gopalan to withdraw his amendment to refer this Bill to a Select Committee which is absolutely unnecessary."

SRI S. RAMALINGAM :—" Sir, on a point of explanation. Sir, இதிலே 1953 ஏப்ரல்-செப்டெம்பர் மாதங்களில் தனியாக எவ்வளவு தொகை செலவழிக்கப்பட்டிருக்கிறது என்று எடுத்துச் சொல்லப்படவில்லை. எதற்கு எதற்காக செலவுசெய்யப்பட்டது. என்பதைத்தான் நான் கேட்கிறேன். பொதுவாக கொள்கை பற்றி ஒன்றும் குறிப்பிடவில்லை.

*** THE HON. SRI C. SUBRAMANIAM** :—" Sir, a sum of Rs. 77 lakhs was spent out of this one crore of rupees in the first six months. Out of this Rs. 77 lakhs, Rs. 40 lakhs were spent on expenditure incurred in connexion with the location of the Andhra Capital and about Rs. 20 to 25 lakhs were spent on various other small schemes. About Rs. 23 lakhs being the balance available will go back to the Consolidated Fund of our State and we will be constituting a new Contingency Fund with Rs. 75 lakhs. All the details regarding the expenditure met from the Contingency Fund will be placed item by item at the next Budget session."

SRI K. P. GOPALAN :—" Sir, I withdraw my amendment." The amendment was, by leave of the House, withdrawn.

MR. SPEAKER :—" I will now put the original motion to the vote of the House."

*** SRI P. S. KRISHNASAMY AYYANGAR** :—" Sir, I have not given notice of any amendment but I would like to suggest a verbal alteration."

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MR. SPEAKER :—“ The hon. Member need not move any amendment now. He has got every right to do so when the Bill is taken up clause by clause. The question is—

. ‘ That the Madras Contingency Fund Bill, 1953, be taken into consideration at once.’ ”

The motion was put and carried.

Clause 2.

* * SRI P. S. KRISHNASAMY AYYANGAR :—“ Mr. Speaker, Sir, in sub-clause (2) of clause 2, the Governor is given the authority to make advances from the Contingency Fund ‘ pending authorization ’ of the same by the State Legislature. The word ‘ pending ’ would indicate that the matter is already under consideration by the State Legislature and I think that the Hon. the Minister in charge of the Bill means by that expression ‘ in anticipation of ’. So, the words ‘ in anticipation of ’ would be better than ‘ pending ’. ‘ Pending ’ would indicate that the matter has already been brought before the Assembly and it is being actually considered by it when the expenditure is incurred. Suppose the Assembly is not in session when an expenditure is incurred and it is then brought before the Assembly for ratification. The Assembly could then say that it was never put before them for their consideration and it was never pending their consideration and therefore they would not authorize the particular expenditure. So, to obviate such difficulties, the better expression would be ‘ in anticipation of ’. This is the verbal alteration that I want to suggest.”

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, I do not think it would be proper to put the expression ‘ in anticipation of authorization ’ for the words ‘ pending authorization ’. The words ‘ pending authorization ’ are quite proper and when we say ‘ pending authorization ’ it does not mean that the matter should be actually pending before the Legislature. It is only the authorization that has to come later on. I think it is quite proper as it is.”

Clause 2 was put and carried.

Clause 3.

SRI S. RAMALINGAM :—“ Sir, I want the words ‘ and the rules be placed before the State Legislature ’ be included at the end of clause 3.”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, it is a very simple Bill and I do not think such a provision is necessary.”

Clause 3 was put and carried.

Clause 4 was put and carried.

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Clause 1.

* THE HON. SRI C. SUBRAMANIAM :—" Mr. Speaker, Sir, I move—

' That for the figures ' 1953 ', the figures ' 1954 ', be substituted. ' "

The amendment was put and carried.

Clause 1 as amended was put and carried.

The Preamble was put and carried.

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I move—

' That the Madras Contingency Fund Bill, 1953, as amended be passed into law. ' "

The motion was carried and the Bill was passed into law.

(4) THE MADRAS HEREDITARY VILLAGE OFFICES (EXTENSION TO PUDUKKOTTAI) BILL, 1953.

2-50
p.m.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—

" Sir, I beg to introduce the Madras Hereditary Village Offices (Extension to Pudukkottai) Bill^a, 1953, and move—

' That the Bill be taken into consideration at once. ' "

" Sir, when the three States—Pudukkottai, Banganapalli and Sandur—were merged with our State, the laws applicable in the area other than the merged States were not applied to those States. As far as application of Central laws to those merged States were concerned, the Central Government stated that they themselves would undertake necessary legislation in the matter and as far as the State laws were concerned, the Central Government left it to the State Government to enact suitable legislation for extending the State laws to the merged States. By the Madras Merged States (Laws) Act, 1949, certain important laws were extended by the Government of this State to the merged areas. But the Madras Hereditary Village Offices Act, 1895 was not extended to the merged territory of Pudukkottai State. In order to bring in line the law that is prevalent in most parts of the State other than the merged areas, this Bill is brought forward to extend that law to the former Pudukkottai State also. In this connection, I may also state that the previous Pudukkottai Durbar made some of the village offices, for example the office of karnam, in the Pudukkottai area hereditary in character. If the present Madras Hereditary Village Offices Act is not extended to the Pudukkottai area to cover those village offices of karnams which have been declared as hereditary by the previous Pudukkottai Durbar, there will be an anomaly because there will be no suitable law governing those offices. In order to regularise this and also to extend the prevailing law to that small area of the old Pudukkottai State, this Bill has been brought forward."

^a Published in the Fort St. George Gazette, dated 9th April 1953.

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MR. SPEAKER :—" Motion moved—

' That the Madras Hereditary Village Offices (Extension to Pudukkottai) Bill, be taken into consideration at once.' "

SRI K. P. GOPALAN :—" Sir, I move—

' That the Madras Hereditary Village Offices (Extension to Pudukkottai) Bill, 1953, be circulated to elicit public opinion thereon.' "

SRI S. RAMALINGAM :—" I second the amendment."

MR. SPEAKER :—" Motion moved—

' That the Madras Hereditary Village Offices (Extension to Pudukkottai) Bill, 1953, be circulated to elicit public opinion thereon.'

" Both the amendment and the main motion are now before the House for consideration."

* SRI V. BALAKRISHNAN :—" கனம் சபா நாயகர் அவர்களே, இந்த சென்னை பரம்பரை கிராம அதிகாரிகள் சட்டத்தை நான் ஆட்சேபிக்கிறேன். புதுக்கோட்டை விஷயங்களைப்பற்றி எனக்குப் பல ஆண்டுகளாக பல துறைகளில் தெரியும். புதுக்கோட்டை 1948-ம் சமஸ்தானத் தலிருந்து சென்னை ராஜ்யத்தில் இணைக்கப்பட்டது. 1948-லிருந்து 1953 வரையில் இல்லாமலிருந்த இந்த ஒரு சட்டம் திடீரென்று சரியான காரணம் கூறாமல் கொண்டு வருவது ஏனென்று தெரியவில்லை. 1893-ம் ஆண்டிலே ஒரு அன்னிய ஏகாதிபத்தியத்தின் கீழ் இருக்கும்போது தங்களுக்கு ராஜவிஸ்வாசம் உள்ளவர்களாக இருக்கவேண்டும் என்பதற்காக இந்தப் பரம்பரை பாத்தியம் பிரிட்டிஷ் ஏகாதிபத்தியத்தால் கொண்டுவரப்பட்டது. மன்னர்களும் ஜனின்தார்களும் விரட்டப்பட்டபின் அவர்களுக்கு உடைந்தையாக கிராம உத்தியோகஸ்தர்களுக்கு பரம்பரை பாத்தியதை கொடுப்பது ஒழுங்கல்ல. ஆனால் இப்பொழுது கொண்டுவருவதன் அவசியம் என்ன வென்று புரியவில்லை. நடந்த பட்ஜெட் விவாதத்தின்போது ரெவின்யூ மான்யத்தைப்பற்றி பேசுகையில், இந்த பரம்பரை பாத்தியதை சட்டத்தை சென்னை ராஜ்யத்திலுள்ள மக்கள் பூராவும் ஆட்சேபிக்கிறார்கள் என்று எடுத்துக்கூறி இதை எடுத்துவிட வேண்டுமென்று கனம் ரெவின்யூ மந்திரியை மன்றாடிக்கேட்டுக் கொண்டேன். ஆனால் அதைப் பொருட் செய்யாமல் அதற்குப் பதிலாக இந்தப் பரம்பரை பாத்தியதை சட்டத்தை கனம் ரெவின்யூ மந்திரி கொண்டு வந்திருப்பது மிக ஆச்சரியமாக இருக்கிறது. கேணி வெட்டப்போய் பூதம் புறப்பட்ட கதையாய் இருக்கிறது. சுமார் 60 ஆண்டுக்கு முன் இருந்த சட்டத்தை, மக்களுக்கு நீதிக்கும் புரம்பான சட்டத்தை 1954-ம் ஆண்டில் கொண்டுவருவது சரியா, நியாயமா, முறையா, ஜனநாயக ரீதியா என்று கேட்கிறேன். ஜனநாயக முறையில் ஜனங்கள் சுகமாக வாழ இந்தச் சட்டம் அரசாங்கத்தால் கொண்டுவரப்படுகிறது என்று சொல்வது வியப்பாகத் தான் இருக்கிறது. வேடிக்கையாகவும் இருக்கிறது. கிராமாந்திரங்களில் கணக்குப் பிள்ளைகள், கிராம அதிகாரிகள் இவர்களின் கை லஞ்சம் பற்றி எல்லோருக்கும் தெரியும். அவர்கள் பேரில் கம்பிளெயன்ட் வந்த காலத்திலும் அவர்களைச் டிரான்ஸ்பர் செய்வது கிடையாது. அவர்களின் குற்றத்திற் காக சஸ்பண்டு செய்வதும் கிடையாது. உத்தியோக முறைக்கு புறம்பாக குற்றங்கள் செய்த போதிலும் 24 மணி நேரத்தில் அவர்களைச் சஸ்பண்டு செய்து நீக்குவதோ விசாரிப்பதோ கிடையாது. அவர்களின்பேரில் டிசிப் பிளினரி ஆக்சன் எடுப்பது கிடையாது. கிராமங்களில் கணக்குப் பிள்ளைகள் எதேச்சாதிகாரத்தன்மையில் தங்கள் இஷ்டம் போல் நடந்து வருகிறார்கள். எந்தக் காரியமும் கை லஞ்சம் கொடுக்காமல் நடைபெறுவது

[Sri V. Balakrishnan]

[4th January 1954]

கிடையாது. இந்தக் காலத்திலும், அதுவும் ஜனநாயகம், குடியரசு இருக்கிற காலத்திலும் எல்லா கிராமங்களிலும் இவ்விதமாக நிகழ்ந்து வருகிறது. பரம்பரை பாத்தியதையாக இருந்தஜமின்தாரி முறை நூடு பூராவும் எடுக்கப்பட்டது. இயற்கையால் வகுக்கப்பட்ட மன்னர்கள் முறை ரத்து செய்யப்பட்டது. ஆனால் இந்தப் பரம்பரைப் பாத்தியதைச் சட்டம் புதுக்கோட்டைப் புண்ணிய பூமியில் மாத்திரம் கொண்டுவருவதன் காரணம் என்ன என்று புரியவில்லை.

“எனக்குத் தெரிந்த ஒரு கணக்குப்பிள்ளை கை லஞ்சம் மிகவும் வாங்குவார். கம்பளெய்ன்ட் கொடுத்தாலும் அவருக்கு எதிராக சாட்சி சொல்லுவதற்கு ஒருவரும் முன்வருவதில்லை. அவர் கிராமத்தில் அதிக செல்வாக்கு உள்ளவராய் ஏகாதிபத்தியம் செலுத்திவருகிறார். உதாரணமாக தஞ்சை, திருச்சியில் புயல் ஏற்பட்ட காலத்தில் சர்க்கார் பண உதவி பொது ஜனங்களுக்கு அளித்தார்கள். அந்தப் பணத்திலிருந்து இந்தக் கணக்குப் பிள்ளை ஒரு பங்கு கை லஞ்சம் வாங்கியதாகச் சொல்லப்பட்டது. இந்தப் புகாரைப் பற்றி சர்க்காருக்குத் தெரியப்படுத்தியும் கூட உண்மை எதுவும் வெளிவரவில்லை. இந்தக் கணக்குப்பிள்ளையை யாராவது எதிர்த்துப் பேசினாலும், எதிரே சாட்சி சொன்னாலும் அவர்கள் நிலங்களுக்குப் பட்டாவாங்கமுடியாது. நிலங்களைக் கிரயம் செய்யமுடியாது. சொத்துக்களை வைத்துக் கடன் வாங்கவும் முடியாது. கிணறு மான்யம் பெறமுடியாது, தக்காலிக்கடன் வாங்க முடியாது, ஆதலால் அவர்களின் தயவு கட்டாயம் பொதுமக்களுக்கு குறிப்பாக விவசாயிகளுக்கு மிகவும் அத்தியாவசியமாயிருக்கிறது. ஆகையால் எதிராக சாட்சி சொல்லவும் யாரும் வருவதில்லை. இந்தக் கணக்குப் பிள்ளையின்பேரில் டிசிபிளினரி ஆக்ஷன் எடுத்து வேறு இடத்துக்கு டிரான்ஸ்பர் செய்து அங்கே விசாரிக்கப்பட்டால் பணம் கொடுத்தவர்களும் சாட்சி சொல்லுவதற்கு தைரியமாக முன் வருவார்கள். அது மாதிரியான நடவடிக்கைகள் எடுக்காத காரணத்தினால் இந்தக் கணக்குப் பிள்ளை கிராம அதிகாரிகளிடம் சவால் விட்டுக்கொண்டு இருக்கிறார். காரணம் இந்தப் பரம்பரையை சட்டத்தின் முடிவு என்கிறது சர்க்கார். இன்னும் சொல்லப்போனால் இந்த சட்டம் அவர்கள் மேலும்மேலும் அக்கிரமமும் அநியாயமும் செய்துக்கொண்டேபோவதற்கு உடந்தையாக இருக்கிறது. இதுவரையிலும் புதுக்கோட்டையில் இந்த சட்ட நோக்கு இல்லாமல் நிர்வாகம் நடத்தி வந்திருக்கிறது. இந்தப் புதிய சட்டம் வருவதனால் எந்த விதமான மாறுபாடுகளும் ஏற்படப்போவதில்லை என்பது நிச்சயம். இந்த சட்டம் இல்லாததனால் என்ன ஆபத்து வந்துவிடும் என்று தெரியவில்லை. இந்த பரம்பரை பாத்தியதை கொடுப்பதனால் ஒழுங்கான நிர்வாகம் ஏதாவது ஏற்படப்போகிறதா என்பது சந்தேகம். நமது அரசியல் சட்டத்தின் உணர்ச்சிக்கு இந்த பரம்பரை சட்டம் விநோதம். இணைப்பிற்குப்பின் புதுக்கோட்டையில் மக்களுக்கு அவதி பலதிறங்களிலும் வளர்ந்துக்கொண்டே வருகிறது. அந்த அவதி வளர்ச்சிக்கும் இந்தப் பரம்பரைச் சட்டம் ஓரம் போடுவதேயாகும். இணைப்பினுடைய புண் கொஞ்சம் கொஞ்சமாக காலச்சக்கரத்தினால் ஆறிக்கொண்டு வருகிறதற்குணத்தினால் ரெவின்யூ மந்திரி அவர்கள் ஆறுகிற புண்ணில் குச்சியினால் குத்துவது போல் இதைக் கொண்டுவருகிறார்கள். இந்தச் சட்டம் புதுக்கோட்டை மக்களுக்கு வேண்டாம். அவர்கள் விரும்பாத சட்டம். அவர்களுக்கும், நியாயத்திற்கும் விரோதமான சட்டம். இந்த மசோதாவை ஆட்சேபிக்கிறேன்.”

3 p.m.

* SRI C. KANDASAMY: —“கனம் சபைத்தலைவர் அவர்களே! இந்த மசோதா பற்றி விவாதிக்கையில் நாம் சில விஷயங்களை நினைவுக்கு கொண்டு வரவேண்டும். அதிலும் இரண்டு விஷயங்களை கவனிக்க வேண்டும். இந்த மாகாணத்தில், கிராமத்திலே இருக்கக்கூடிய பரம்பரை பாத்தியதை சட்டம் இருக்கிறதே அது ஒரு சில பிரதேசங்களில் அமுலில் இருக்கிறது. சில ஜில்லாக்களுக்கு விதிவிலக்கு அளிக்க சட்டம் செய்யப்பட்டிருக்கிறது என்பதை இந்த சமயத்தில் எடுத்துக்காட்ட விரும்புகிறேன். புதுக்கோட்டையிலுள்ள எல்லா கிராமங்களுக்கும் இந்த பரம்பரை பாத்தியம் தர்பார் அதிகாரத்தினால் சொல்லப்பட்டிருக்கிறபடி கொடுக்கப்படவில்லை. சில கிராம உத்தியோகஸ்தர்களுக்குத்தான் இந்த பாத்தி

4th January 1954] [Sri C. Kandaswamy]

யதை கொடுக்கப்பட்டிருக்கிறது. இப்படிப்பட்ட ஒரு நிலைமையை வைத்துக் கொண்டிருக்கும்போது, புதுக்கோட்டைக்கு இந்த பரம்பரை பாத்தியம் அனுஷ்டானத்திற்கு கொண்டுவருவது அவசியம் இல்லையென்று நினைக்கிறேன். இப்படிப்பட்ட ஒரு அஸ்திவாரம் ஜனநாயகத்திற்கு முரண்பட்டது என்று நான் கருதுகிறேன். சென்ற 60 வருஷங்களாக ஒரு அந்நிய ஏகாதிபத்தியத்தின்கீழ் இருக்கும்போது தங்களுக்கு ராஜவிசுவாசம் உள்ளவர்களாக இருக்கவேண்டுமென்பதற்காக இப்பரம்பரை பாத்தியம் பிரிட்டிஷ் ஏகாதிபத்தியத்தால் கொடுக்கப்பட்டது. ஆனால் இன்று இருக்கக்கூடிய காலத்தை எடுத்துக்கொண்டு பார்க்கும்போது, இன்றுள்ள அரசியலில் இப்பரம்பரை பாத்தியத்தை ரத்து செய்யப்படவேண்டும். புணராலோசனைச் செய்யப்படவேண்டிய இன்றுள்ள நிலைமையில், 4 வருஷங்களாக அமுலில் இல்லாத இந்த பரம்பரை பாத்திய சட்டத்தை இப்போது அமுல் செய்ய வேண்டுமென்று நினைப்பது ஏன் என்று தெரியவில்லை. கிராமத்திலுள்ள முன்சீபு, கர்ணம் இவர்கள் தான் ஆட்சியின் அஸ்திவாரம். இந்த நிலைமையில் திரு கே. பி. கோபாலன் அவர்கள் கொண்டு வந்திருக்கக்கூடிய அமெண்ட்மென்டை ஆதரித்து, இந்த சட்டத்தை எதிர்க்கிறேன்.”

* SRI K. VINAYAKAM :—“ Mr. Speaker, Sir, in supporting the arguments adduced by my hon. Friend Sri V. Balakrishnan, I wish to know from the Hon. Minister who moved the Bill what are the extra benefits derived from the system of having hereditary village offices which are not found in the system of having non-hereditary village offices. If the hereditary system of transferring offices from father to son is more beneficial to the State, then Sir, there is much logic in extending this Bill to the merged Pudukkottai area. We know, from practical experience, that these village officers, even with the limited powers vested in them, barring a few exceptions have been behaving very cruelly towards the people. I know an instance of a village officer who was almost a powerful demi-God in his village and who was removed from his office because he was involved in a criminal case. Since the hereditary system is prevalent in that village, his son has got into his father's office. As his father has not been properly treated by the Government, he wants to wreak vengeance against those people who have been responsible for the removal of his father from the office of village munsif. He is maintaining the same attitude towards the erstwhile enemies of his father. By having this system of hereditary village offices, we are perpetuating anti-social elements in the country. I request the Hon. Minister for Land Revenue who moved the Bill to explain to the House the beneficial effects of having the hereditary system of village offices. If the Hon. Minister can make out a case for perpetuating the hereditary system of village offices, then there is meaning in extending the present Hereditary Village Offices Act, 1895 to the Pudukkottai area also.

“ The Hon. Minister himself has admitted that the hereditary system is prevalent only in some parts of the State and not all over the State. What kind of logic can this Government advance for extending this Hereditary Village Offices Act to the Pudukkottai area when they have not extended this Act to several parts of this State itself where it is not working? Some hon. Members have pointed out that this is the only office for which the hereditary system is followed. Even Ministers of Government are not given

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that opportunity of transferring their office to their sons even though the latter may be very capable. It is ridiculous to have this system and there is no logic behind the perpetuation of this system. If the Hon. Minister can give us convincing reasons for perpetuating the hereditary system, then we will consider the desirability of extending the Hereditary Village Offices Act to the merged areas under reference."

SRI S. SWAYAMPRAKASAM :—" Mr. Speaker, Sir, I rise to support the arguments advanced by Sri Balakrishnan. The reasons adduced by the Hon. Minister for Land Revenue for extending the Hereditary Village Offices Act to the Pudukkottai area are not at all sufficient. The Hon. Minister advanced two reasons for bringing forward this Bill now under discussion before the House. One argument is that this Hereditary Village Offices Act is in force in most parts of the State. Another argument which the Hon. Minister put forward is that the hereditary system recommended by the Bill has been in a way recognised by the previous Pudukkottai Durbar itself by virtue of a declaration that they had made to the effect that some village offices in the Pudukkottai area are hereditary in character. The Madras Hereditary Village Offices Act which is now being extended to the Pudukkottai area by this Bill has been in existence from the year 1895. (Interruption from an Hon. Minister: 'Matured wisdom!') After the lapse of so many years, the matured wisdom of the Government has not enabled them to extend the hereditary system to the other parts of the State before extending it to the merged areas. The Hon. Minister was careful enough to say that the system was in existence in most parts of the State and not the whole State. Even in my own district of Tanjore the system has not been extended. While the Government have not got the courage to extend the system to those parts of the State where it is not prevalent, they have come forward to extend it to the Pudukkottai area. The Pudukkottai Durbar had introduced several beneficial reforms but our Government have not taken them into account except this hereditary system which they had applied to certain village offices. Nobody can deny that the hereditary system has many disadvantages and is out of date.

3-10 p.m. "There is an agitation against the introduction of this Act. But the Hon. Revenue Minister states that whereas some of the village offices in the Pudukkottai area are hereditary in character by virtue of a declaration made to that effect by the previous Durbar and whereas consequent on merger of that State according to the directive of the Centre all the State Laws have to be extended to the State of Pudukkottai, this Act which extends throughout the whole State of Madras is now being introduced. I ask this Government whether they have continued some of the beneficial Acts of the previous Durbar of Pudukkottai? No, surely the answer is in the negative. This piece of legislation extending the present Act to the State of Pudukkottai is only to suit their own purpose and the Hon. Revenue Minister has not made out a convincing case. That

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is how I understand it. The very fact that this Act, whose origin dates as far back as 1895, is not faithfully implemented in all parts of the State goes to show that it is existing only in name. Even in my own place it is not followed. I have already said that. When such is the case, why should it be extended to Pudukkottai and that too in the teeth of public opposition? So I oppose this Bill."

SRI K. P. GOPALAN :—" Mr. Speaker Sir, I moved my amendment on a question of principle. I agree fully with the sentiments expressed by my hon. Friend Mr. Balakrishnan, who hails from Pudukkottai and as such is fully conversant with the subject. I oppose this hereditary system. It is against all canons of democracy. It shuts the door for Harijans and backward communities to occupy the posts of village munsifs. Such sort of discrimination should not be permitted. Hereditary system is a theory of the fifteenth century. But we are now in the twentieth century. The Hon. Minister has put his case. Let it be remembered that we are now living in an age of democracy. This Act was introduced by the British Government to suit their own purpose, viz., to exploit our country. It was done with a political purpose. Even the Congress, I remember it distinctly, opposed this Act. They said that they would repeal the same once they came to power. But what is it that we find now? The same Congress Government are now coming before us for extension of this anti-democratic Act to the State of Pudukkottai. The Act introduced by the bureaucratic British Government to exploit us, is now being patronised by the very Congress which said previously that they would repeal the same the moment they came to power. Of course, the Hon. Revenue Minister has his own theory. He says that this measure is a formal and simple one seeking extension of the present Act to the merged State of Pudukkottai. Let the Hon. Minister understand that this Act is anti-democratic, anti-people and is against all canons of democracy. I am sure that if the Hon. Revenue Minister were to take a referendum not only in Pudukkottai but also throughout the State, he would find that this Act would be thrown out by the people. As I said previously this Act prevents the backward-class people and Harijans from occupying the posts of village munsifs to which they ought to be entitled. Therefore I oppose the extension of the Act to the State of Pudukkottai and also request that the same may be circulated for eliciting public opinion. With these words, I resume my seat."

* SRI K. R. VISWANATHAN :—" கனம் தலைவர் அவர்களே ! இந்த கிராம உத்தியோகஸ்தர்கள் பரம்பரை சட்டத்தின்கீழ் கொண்டுவரப்பட்ட திருத்தத்தை ஆதரித்துப் பேச விரும்புகின்றேன். இந்த திருத்தத்தின்கீழ் மந்திரி அவர்கள், இந்த மாகாணத்தில் பெரும்பாலான இடங்களில் இந்த சட்டமானது அமுலில் இருப்பதாகவும், ஆகையால் இதைப் புதுக்கோட்டைக்கு அமுலுக்கு கொண்டு வரப்படுகிறது என்றும் சொன்னார்கள். ஆனால் அந்த பெரும்பாலான இடங்களின் விவரம் கூறினால் இல்லை. அந்த விவரம் கூறினால் எது பெரும்பாலானது, சிறுபான்மையது என்பதை நிர்ணயிக்க முடியும். ஆகவே, அதை கூறுமாடி மந்திரி அவர்களைக் கேட்டுக்கொள்ளுகிறேன்.

[K. R. Viswanathan]

[4th January 1954]

“அடுத்தபடியாக, திரு. பாலகிருஷ்ணன் அவர்கள் கிராமத்திலுள்ள முன்சீபு, கணக்கப்பிள்ளைகள் அங்குள்ள கிராம மக்களுக்கு தொந்தரவு கொடுத்துக் கொண்டிருக்கிறார்கள் என்று கூறினார்கள். அதை நான் ஓரளவு ஒப்புக்கொள்ளுகிறேன். ஆனால் எல்லா கணக்கப்பிள்ளைகளும் இவ்வளவு தூரம் தொந்தரவோ கொடுமையோ செய்கிறார்களா என்பது தான் கேள்வி. தவிர இம்மாதிரி மிகவும் தொந்தரவு செய்வதற்கு அவர்களுடைய தாழ்ந்த பொருளாதார நிலையே காரணம். இதற்கு சர்க்கார் காரணமாகும். அவர்களுடைய வாழ்க்கைநிலை உயர்வடைவதற்கு வேண்டிய சம்பளம் கொடுப்பதில்லை. ஆகையால் அவர்கள் கிராமங்களிலுள்ள மக்களிடத்தில் பலவழிகளில் தங்கள் வாழ்க்கை நடத்த பணம் வாங்குகிறார்கள். சர்க்கார் இதைப் போக்க முன்வரவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்.

“அடுத்தபடியாக, புதுக்கோட்டை விஷயத்திற்கு போவதற்கு முன்னால் அதிலுள்ள சில கிராமங்களில்தான் இந்த முறை அமுலில் கொண்டு வரப்பட்டிருக்கிறது என்று மந்திரி அவர்கள் சொன்னதை கவனிக்க வேண்டும். அம்மாதிரி சில கிராமங்களில் அமுலில் இருக்கிற சட்டத்தை, அது இல்லாத பெரும்பாலான கிராமங்களில் அமுல் செய்வது ஆராய்ந்து செய்யப்படவேண்டும். எல்லா கிராமங்களிலுமே இந்த சட்டம் அமுல் செய்யப்படுவதால் என்ன நன்மை ஏற்படும் என்று கவனியாது இந்தச் சட்டத்தை கொண்டுவரக்கூடாது என்று கேட்டுக்கொண்டு, இந்த சட்டத்தின் கீழ் கொண்டுவரப்பட்ட திருத்தத்தை ஆதரித்து கூறுகிறேன்.”

* THE HON. SRI M. A. MANICKAVELU NAICKER :—

“Sir, I do not know why there is opposition to this Bill. The hereditary system is working satisfactorily in our State. The Act as such applies to the whole State. It may be in some parts of the State, this hereditary system is not in operation. But all the same, the Act as such applies to the whole State of Madras. When the State of Pudukkottai was merged with Madras, the Centre took upon itself the responsibility of extending all the Central laws to Pudukkottai. They asked us similarly to extend all our State laws to Pudukkottai. Accordingly by the Madras Merged State Laws Act of 1949, almost all our State laws were extended to Pudukkottai. But this Act was not extended then. Now we want that in the working of this Act, a different state of affairs than the one existing at present in Madras State should not be allowed to continue in Pudukkottai. I do not know why hon. Members anticipate any trouble if this Act is extended to Pudukkottai, when we have had no trouble so far here in Madras. Moreover, as I said previously, by a declaration of the previous Durbar in Pudukkottai, some of the village offices have become hereditary in character. If we do not extend the present Act to Pudukkottai, after its merger into the Madras State, those appointments will not be governed by our Act and as such, they do not want to have such an anomalous position. That is the reason why we have introduced this Bill. I feel that it is democratic and not anti-democratic as the the hon. Member Mr. Gopalan put it.

“As regards the observation of Mr. Vinayakam that an extension of this Act to Pudukkottai would promote the carrying on of vendetta by the son against the enemies of his father, let me inform the hon. Member that it is not only in Pudukkottai but even in

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several parts of our own State, the vendetta spirit is going on. Let him not imagine that only in Pudukkottai alone the vendetta would spring up. (Laughter.)

“ Presumably Mr. Balakrishnan had been badly handled by the village-heads. That is why he has spoken in that vein. He has been saying that the village officials there are altogether a different lot as compared to ours and that they are corrupt to the core. I do not know the reason. I think he is speaking from past experience. I am sure that it will not be the same after the merger. (Sri V. Balakrishnan : Only after merger it is so). That is why we want to extend this Act to Pudukkottai to set matters right, if there is anything wrong. As I said, this is being done in accordance with the directive of the Centre to extend all the State Laws to the merged State. But judging from the speeches of hon. Members, I find that they have not yet come to my frame of mind. I think it will take some time. Therefore I have no objection to agreeing to the amendment of Mr. Gopalan for circulation of this Bill to elicit public opinion.”

SRI K. VINAYAKAM :—“ Sir, are the Government withdrawing the Bill. If so, I want to speak, . . . ”

MR. SPEAKER :—“ The Government have accepted the amendment of the hon. Member Mr. Gopalan. The Bill will be circulated for eliciting public opinion, if the amendment of Mr. Gopalan is approved by the House. I shall put the amendment of Mr. Gopalan to the vote of the House. The question is—

‘ That the Madras Hereditary Village Offices (Extension to Pudukkottai) Bill, 1953, be circulated to elicit public opinion thereon.’ ”

The amendment was put and carried.

I shall now take up the Malabar Tenancy Amendment (Bill), 1953.

VII.—GOVERNMENT MOTIONS.

(1) MOTION UNDER RULE 22 (3) OF THE ASSEMBLY RULES.

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I would like to submit that the Malabar Tenancy Amendment (Bill), 1953, be taken up tomorrow. Other business may be taken up now. Sir, I move—

‘ That under rule 22 (3) of the Madras Assembly Rules, item No. II (5) on the agenda, namely, The Malabar Tenancy Amendment Bill, 1953 (L.A. Bill No. 12 of 1953), be taken up tomorrow and that the Government Motions (item III on the Agenda) be taken up now.’ ”

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MR. SPEAKER :—" The question is—

' That under rule 22 (3) of the Madras Assembly Rules, item No. II (5) on the agenda, namely, The Malabar Tenancy Amendment Bill, 1953 (L.A. Bill No. 12 of 1953), be taken up tomorrow and that the ' Government Motions (item III on the Agenda), be taken up now.' "

The motion was put and carried.

(2) AMENDMENTS TO THE MADRAS GENERAL SALES TAX (TURNOVER AND ASSESSMENT) RULES, 1939.

3-20 * THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir,
p.m. I beg to move—

' That the following draft amendments to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939 (published with Revenue Department Notification No. 818, dated the 12th September 1939, at pages 1-5 of the Extraordinary issue of the Fort St. George Gazette, dated the 15th September 1939, as subsequently amended), which it is proposed to make in exercise of the powers conferred by Section 3, sub-sections (4) and (5) of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), be approved. Amendment (1) relating to rule 4-A (iii) shall be deemed to have come into force on the 1st January 1951. Amendments 3 (i) and (ii) relating to sub-rules (4) and (6) of rule 5-A shall be deemed to have come into force on the 1st April 1953.'

DRAFT AMENDMENTS.

In the said rules—

(1) in rule 4-A, clause (iii) shall be omitted;

(2) in rule 5, sub-rule (1)—

(i) in the opening paragraph, for the brackets, letters and word '(a) to (k)', the brackets, letters and word '(a) to (l)' shall be substituted;

(ii) in clause (j), the word 'and' occurring at the end shall be omitted;

(iii) for clause (k), the following clause shall be substituted, namely :—

" (k) in the case of a registered manufacturer of groundnut oil (other than refined groundnut oil) and cake, the amount which he is entitled to deduct from his gross turnover under rule 18 subject to the conditions specified in that rule; and "

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(iv) after clause (k), the following clause shall be added, namely :—

“(l) all amounts for which a licensed tanner bought untanned hides and skins which he sold as such but which were included in column (3) of the return in Form A-4 in a previous month.”

(3) in rule 5-A—

(i) to sub-rule (4), the following proviso shall be added, namely :—

“ Provided that nothing contained in this sub-rule shall apply to applications for registration from persons dealing exclusively in handspun yarn and/or in cloth woven on handlooms wholly with handspun yarn ”.

(ii) in sub-rule (6), after the words ‘ Every Registered dealer ’ occurring at the commencement, the words ‘ other than a person dealing exclusively in handspun yarn and/or in cloth woven on handlooms wholly with handspun yarn ’ shall be inserted;

(iii) to sub-rule (7) (ii), the following proviso shall be added, namely :—

“ Provided that if he discontinues his business during the course of a year he shall pay in full the amount or amounts collected by him by way of tax or taxes to the State Government within sixty days from the date of such discontinuance ”;

(4) in rule 11—

(a) to sub-rule (1), the following proviso shall be added, namely :—

“ Provided that every dealer who discontinues his business during the course of a year in which he has been provisionally assessed under rule 7 or 8 shall submit to the assessing authority concerned a return in Form ‘ A ’ for the period up to and inclusive of the date of discontinuance of business, in the manner prescribed in this sub-rule, within thirty days from the date of such discontinuance ”;

(b) in sub-rule (2), the following shall be added at the end, namely :—

“ or for the year to which the return relates, as the case may be ”;

(5) in rule 13—

(a) in sub-rule (1), for the words, figures and brackets “ in sub-rules (2) to (6) ” the words, figures and brackets “ in sub-rules (2) to (7) ” shall be substituted;

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- (b) in sub-rule (2), for the words "The dealer shall submit" occurring in the beginning, the following shall be substituted, namely:—

"Subject to the provisions of sub-rule (5), the dealer shall submit";

- (c) in sub-rule (4), for the words and figures "if no return is submitted in respect of any month before the 25th day of the succeeding month" occurring in the beginning, the following shall be substituted, namely:—

"If no return is submitted in respect of any month before the 25th day of the succeeding month or before the expiry of the period prescribed in sub-rule (5)";

- (d) sub-rules (5) and (6) shall be renumbered as sub-rules (6) and (7) respectively and after sub-rule (4), the following shall be inserted as sub-rule (5), namely:—

"(5) Every dealer who discontinues his business during the course of a year in which he is assessed under the method provided in these rules shall submit to the assessing authority concerned within thirty days of such discontinuance of business, a return in Form A-3, in the manner prescribed in sub-rule (2) for the month in which his business was discontinued";

- (e) in sub-rule (6), as so renumbered—

- (i) for the words, brackets and figures "as laid down in sub-rule (3) has been made", the following shall be substituted, namely:—

"as laid down in sub-rule (3) or (4) has been made or in the course of the year to which a return submitted under subrule (5) relates";

- (ii) the following shall be added at the end, namely:—

"or for the year to which the return submitted under sub-rule (5) relates, as the case may be";

- (f) in sub-rule (7) as renumbered,—

- (i) for the brackets and figure "(5)" the brackets and figure "(6)" shall be substituted;

- (ii) for the brackets and figure "(3)" the brackets, word and figures "(3)" or "(4)" shall be substituted.

- (6) in rule 15, for sub-rules (2) to (5), the following sub-rule shall be substituted, namely:—

"(2) Every person licensed to deal in hides or skins whether as tanner or otherwise, whose net turnover for a year has been or is expected to be not less than Rs. 10,000 shall submit so as to reach the assessing authority on or before the 25th day of every month, a return or returns in Form A-4 or Form A-5 or in both showing his transactions for the preceding month.

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Along with the return or returns he shall also submit a receipt from a Government Treasury or a crossed cheque in favour of the assessing authority for the full amount of the tax or taxes payable for the months to which the return or returns relate under section 3, 5 or 8-B (2) or under any notification issued under section 6 (1).

- (3) *The return or returns so submitted shall, subject to the provisions of sub-rule (4), be provisionally accepted.*
- (4) *If no return is submitted in respect of any month before the 25th day of the succeeding month, or if any return is submitted without a receipt or crossed cheque for the full amount of the tax payable, or if any return submitted appears to be incorrect or incomplete, the assessing authority shall, after making such enquiry as he considers necessary and after giving the dealer an opportunity as prescribed in rule 9 of proving the correctness and completeness of his return or returns, determine the turnover to the best of his judgment and provisionally assess the tax or taxes payable for the month and shall serve upon the dealer a notice in Form B-1 and the dealer shall pay the sum demanded at the time and in the manner specified in the notice.*
- (5) *After the close of the year in which the provisional assessment as laid down in sub-rule (3) or (4) has been made, the assessing authority shall, after such scrutiny of the accounts and after such enquiry as he considers necessary, satisfy himself that the returns filed are correct and complete, and finally assess under a single order on the basis of the returns, the tax or taxes payable under section 3, 5 or 8-B (2) or under any notification issued under section 6 (1) for the preceding year :*

Provided that if no return or returns have been submitted by the dealer as required by sub-rule (2), or if any return or returns submitted by him appear to the assessing authority to be incorrect or incomplete, the assessing authority shall after making such enquiry as he considers necessary, and after giving the dealer an opportunity as prescribed in rule 9 of proving the correctness and completeness of the return or returns submitted by him, determine the turnover to the best of his judgment and finally assess under a single order the tax or taxes payable under section 3, 5, or 8-B (2) or under any notification issued under section 6 (1) for the preceding year.

- (6) *If the final assessment made under sub-rule (5) is greater than the provisional assessment made under sub-rule (3) or (4) the assessing authority shall serve upon the dealer, a notice in Form 'B' and the dealer shall pay the sum demanded, at the time and in the manner specified in the*

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notice. If the final assessment is lower than the provisional assessment, he shall serve upon the dealer a notice in Form 'C'";

(7) in rule 16, sub-rule (5) shall be omitted;

(8) in rule 18—

(i) for sub-rule (2) the following sub-rule shall be substituted, namely :—

" (2) Every such registered manufacturer of groundnut oil will be entitled to a deduction under clause (k) of sub-rule (1) of rule 5 equal to the value of the groundnut and/or kernel purchased by him and converted into oil and cake if he has paid tax to the State on such purchases ;

Provided that the amount for which the oil is sold is included in his net turnover :

Provided further that the amount of the turnover in respect of which deduction is allowed shall not exceed the amount of the turnover attributable to the groundnut and/or kernel used in the manufacture of oil and included in the net turnover.

Explanation.—For the purpose of this sub-rule—

(a) 143 lb. of groundnut shall be taken to be equivalent to 100 lb. of kernel.

(b) 143 lb. of groundnut or 100 lb. of kernel when converted into oil will normally be taken to yield 40 lb. of oil; and

(c) One candy of oil shall be taken to be equivalent to 500 lb. of oil";

(ii) for sub-rule (3), the following sub-rule shall be substituted; namely :—

" (3) Every such registered manufacturer shall submit so as to reach the assessing authority not later than the 25th day of every month an application in Form A-9 in respect of the transactions relating to the previous month."

(iii) for sub-rule (3-A), the following sub-rule shall be substituted, namely :—

" (3-A) If any manufacturer of groundnut oil fails to register himself under sub-rule (1), or any such manufacturer registered under sub-rule (1) submits the application in Form A-9 referred to in sub-rule (3) after the 25th day of the month, or if he omits to furnish therein any of the particulars required by that form, the Commercial Tax Officer of the district concerned may, in his discretion, after making such

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enquiry as he considers necessary, condone the omission or delay or both, provided that such manufacturer of groundnut oil has maintained a true and correct account of his business showing all the particulars prescribed in Form A-9.";

(9) *in Forms A, B and C, for the words and figures ' the year ending the 31st March 19 ' wherever they occur, the following shall be substituted, namely :—*

*" The year ending 31st March 195 .
the period up to and inclusive of the date of discontinuance of business."*

(10) *in Form A, after Note (1), the following shall be inserted as Note (1) (a), namely :—*

" (1) (a) If the business has been discontinued in the course of a year, give the turnover up to and inclusive of the date of the discontinuance of business " ;

(11) *In Form A-3, in the heading for the brackets, words and figures "[see rule 13 (2)] " brackets, words and figures "[See rule 13 (2) and (5)] " shall be substituted.*

(12) *In Form A-4, for the statement, the following statement shall be substituted, namely :—*

" Statement.

Column
number.

Particulars.

- 1 Name (s) and postal address (es) as tanners.
- 2 Place or places of business.
- 3 Amount for which hides and skins were purchased for tanning by the assessee (s).
- 4 Amount for which the tanner (s) bought the untanned hides and skins issued for tanning by him (them during the month out of those included in column (8) of the return in Form A-4 of the previous month. (Separate figures should be given for each month).
- 5 Total of columns (3) and (4).
- 6 Amount for which the tanner (s) bought the untanned hides and skins which he/they sold as such in the month. but which were included in column (3) of the return in Form A-4 for the previous month.
- 7 Net turnover liable to tax [column (5) minus column (6)].
- 8 Amount for which untanned hides and skins were purchased for purposes other than the purpose specified in column (3) " ;

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(13) for Form A-9, the following form shall be substituted,
namely :—

“Form A-9.

*Application for deduction under rules 5 (1) (k) and 18 of
Turnover and Assessment Rule [See rules 18 (3)].*

10

The Assessing Authority.

SIR,

I/We , registered manufacturer (s) of groundnut
oil at request that I/we may be granted deduction
under rules 5 (1) (k) and 18 (2) of the Madras General Sales Tax
(Turnover and Assessment) Rules, 1939, in respect of the sale of
oil (manufactured by me/us) during the month of
195 , particulars of which are furnished below :—

- 1 Opening stock of groundnut and/or kernel
- 2 Quantity of groundnut and/or kernel
purchased during the month.
- 2 (a) Quantity of groundnut and/or kernel
purchased during the month for which
the dealer was not liable to tax under
the Act for some reason or other.

Total ..

- 3 Rate at which purchased
- 4 Value of groundnut and/or kernel pur-
chased during the month.
- 4 (a) Amount of sales tax paid on the quantity
in item 2 above.
- 5 Quantity of groundnut and/or kernel sold
during the month.
- 6 Actual quantity of kernel crushed for
conversion into oil during the month.
- 7 Closing stock of groundnut and/or kernel
for the month (item 1 plus 2 minus
5 plus 6).
- 8 Opening stock of manufactured oil ..
- 9 Quantity of oil manufactured during the
month

Total ..

- 10 Opening stock of purchased groundnut
oil
- 11 Quantity of oil purchased in the month

Total ..

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- 12 Quantity of purchased oil sold in the month
- 13 Closing stock of purchased oil ..
- 14 Quantity of manufactured oil sold during the month
- 15 Closing stock of manufactured oil (item 8 plus 9 minus 14)
- 16 Percentage of yield (item 9) to the quantity of kernel crushed (item 6) ..
- 17 Quantity of kernel for which deduction is claimed under rule 5 (1) (k) ..
- 18 Rate at which deduction is claimed on the quantity shown in items 1 and 2 ..
- 19 Purchase value of kernel for which deduction is claimed

Signature of the dealer.

NOTE.—(1) 500 lb. of oil is equivalent to one candy.

(2) The application should be submitted so as to reach the assessing authority not later than the 25th day of every month in respect of the transactions of the previous month."

(14) In Forms B and C, in the heading, for the brackets, words and figures "[See rule 12 and rule 13 (5.)]" the bracket, words and figures "[See rules 12, 13 (7) and 15 (6)]" shall be substituted;

(15) In Form B-1, in the heading, for the brackets, words and figures "[See rule 13 (4)]", the brackets, words and figures "[See rule 13 (4) and rule 15 (4)]" shall be substituted.

(16) In Form B-2, for the words "year ending" the following shall be substituted, namely:—

"Year ending
the period up to and inclusive of the date of discontinuance of business."

"Sir, the amendments have been already printed and circulated. All these amendments are proposed on the experience gained in the working of the General Sales Tax Act. I will give one or two instances.

"We have omitted one clause. I think it is clause 4. Under the Central Act, newspapers are exempt from the Sales Tax. So that clause is not necessary in the Rules. I have included one more clause, instead of sub-clauses (a) to (k) read sub-clauses (a) to (l). This is necessary because of some verbal changes and consequential amendments.

"In calculating the turnover, now the practice is the turnover for the whole year is taken and on that basis the tax is levied. It happens that before the expiry of the whole year, say within four

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or five months, a business may come to a standstill, that is, the dealer could not continue his business or he may stop it of his own accord. If his accounts are to be taken up after one full year, assessment and collection of tax will be difficult. So, provision has to be made even where the business has been carried only for five or six months, for that period assessment should be calculated and a demand made. The amendments have been before the House for long and I move that they be considered."

The motion was put and carried.

(3) AMENDMENTS TO SCHEDULE IV TO THE MADRAS DISTRICT
BOARDS ACT, 1920.

* THE HON. SRI K. RAJARAM :—" Sir, I beg to move—

That the following draft of certain rules proposed to be made by the Governor of Madras in exercise of the powers conferred by section 201 of the Madras District Boards Act, 1920 (Madras Act IV of 1920), altering Schedule IV to that Act, be approved :—

DRAFT RULES.

In the said Schedule—

(i) for rules 32 and 33, the following rules shall be substituted, namely :—

" 32. (1) Where any amount not being a tax in respect of which a notice has to be served under section 96, nor school fees nor rents for lands and buildings demised by the district board, is due from any person to the district board under this Act or any other law or rules or by-laws made thereunder, for the recovery of which there is no special provision in this Act, the Executive Authority shall serve upon such person a bill for the sum due before he proceeds to enforce the provisions of rule 33.

(2) A notice under section 96 and a bill under sub-rule (1) shall be signed by the Executive Authority or some person authorized by him in that behalf and shall contain—

(a) a statement of the period and a description of the occupation, property or thing for which the tax is charged or the amount is claimed; and

(b) a notice of the liability incurred in default of payment.

(3) No tax for any half-year or the amount due for a year shall be recovered from any person in the manner laid down in rule 33 unless the notice or bill is served upon such person either within that half-year or year or in the succeeding half-year or year as the case may be :

Provided that where the assessment books have been amended under sub-rule (4) of rule 5, the notice or bill

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as the case may be, may be served either in the half-year in which the amendment was made or in the succeeding half-year.

(4) Nothing contained in this rule or in rule 33 shall preclude the district board from suing in a civil court for any tax or amount due to it under this Act or any other law.

33. (1) If the amount due on account of tax or other amount due is not paid within fifteen days from the service of the notice or bill and if the person from whom the tax or other amount is due, has not shown cause to the satisfaction of the executive authority why it should not be paid, the executive authority may recover, by distraint under his warrant and sale of the movable property of the defaulter, the amount due on account of the tax or other amount due together with the warrant fee and the distraint fee with such further sum as will satisfy the probable charges that will be incurred in connection with the detention and sale of the property so distrained :

Provided always that the movable property described in the proviso to section 60 of the Code of Civil Procedure, 1908, shall not be liable to distraint.

(2) If, for any reason, the distraint or a sufficient distraint of the defaulter's property is impracticable, the executive authority may prosecute the defaulter before a magistrate.

(3) The warrant under sub-rule (1) shall be in the form contained in Appendix A to these rules or in some similar form ; and for each such warrant a fee of two annas shall be levied.

(4) Under a special order in writing of the executive authority, any officer charged with the execution of a warrant of distress may, between sunrise and sunset, break open any outer or inner door or window of any building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure, and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated to women, until he has given three hours notice of his intention and has given such women an opportunity to withdraw ;

(ii) in rule 34, after the word ' tax ', wherever it occurs, the words ' or other amount ' shall be inserted ;

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(iii) *in rules 35 and 39, after the word 'tax', wherever it occurs, the words 'or other amount due' shall be inserted;*

(iv) *in Appendix A—*

(a) *for the words and brackets below the entry (Name, of officer charged with execution of warrant), the following shall be substituted, namely:—*

'(State tax or taxes or other amounts due and particulars thereof inclusive of those of the premises, if any, in respect of which the amounts are due';

(b) *after the words 'tax or taxes', wherever they occur, the words 'or other amounts due' shall be inserted;*

(v) *in Appendix B, after the words 'tax or taxes' the words 'or other amounts due' shall be inserted.'*

"Sir, under section 221 of the Madras District Boards Act 1920, all costs, damages, penalties, etc., which are due by any person to the District Board may be demanded by bill as provided in the rules in Schedule IV and recovered in the manner provided therein. The relevant rules in schedule IV referred to are rules 32 to 39-A. Before the Madras District Boards Act, 1920, was amended by the Madras Village Panchayats Act, 1950, with effect from 1st April 1951, rules 32 and 33 of those rules provided for the service of a bill on persons from whom taxes, penalties, etc., are due before distraining movable properties for collection of the dues. As a result of the amendment by the Madras Village Panchayats Act, 1950, the provision for service of such bills was deleted in the rules. Consequently there is at present no provision in the existing Madras District Boards Act, 1920, for recovery of penalties and other dues referred to in section 221 of the Act.

"Practical difficulties have thus arisen in the enforcement of the provisions of the Act. As an example, it has been found that though a District Board can levy a penalty for occupation of any District Board land, under section 164 of the Madras District Boards Act, it has been found impossible to recover the penalties under section 221 of the Act, except by resorting to Courts. It has, therefore, become necessary to restore the original provisions in the rules for the service of bills so that such dues may be recovered by distraint of movable properties of the defaulters after serving a bill. Rules 32 to 35 and 39 of Schedule IV to the Act have to be amended suitably for the purpose, restoring the original provisions. I accordingly move that the proposal be approved."

SRI A. RATNAM :—"Sir, I beg to move—

'(1) *In proposed rule 32 (3) for the words "any half-year or the amount due for a year", substitute the words "any one year or the amount due for two years".'*

SRI A. GOVINDASWAMY NAYAGAR :—"Sir, I second the amended."

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SRI A. RATNAM :—“ ஸ்தல ஸ்தாபனங்களுக்கு வரி கொடுக்காத காரணத்திற்காக நாம் மற்றவர்களை தண்டிக்கலாம் என்று இந்த புதிய சட்டத்தில் போடப்பட்டிருக்கிறது. ஸ்தல ஸ்தாபனத்திற்கு அரை வருஷத்திற்கு வரி கொடுக்கவில்லையென்றால், உடனடியாக அவர்கள் மீது நடவடிக்கை எடுக்க வேண்டுமென்று சட்டம் கூறுகிறது. சாதாரணமக்கள் அதற்குள் வரி கொடுக்கமுடியாமல், ஒரு வருஷத்திற்குள் கொடுக்கிறார்கள். இந்த முறையிலே ஆறு மாதம் என்பதை ஒரு வருஷமாக திருத்த வேண்டுமென்று பிரேரேபிக்கின்றேன். அதை அரசாங்கமும், மந்திரி அவர்களும் ஆதரிக்குமாறு கேட்டுக் கொள்கிறேன்.”

THE HON. SRI K. RAJARAM :—“ Sir, it cannot be accepted. By some mistake it was deleted previously, thinking that this provision related only to Panchayat Boards. Now it is found that unless this provision is made in the Statute, District Boards cannot execute the penalty-levying-clauses and therefore it must be there.”

* **THE HON. SRI C. SUBRAMANIAM** :—“ Sri Ratnam seems to be under the impression that six months or one year should be allowed for paying the tax. The amendment has nothing to do with that. There are taxes which become due every half-year and there are taxes which become due every year. What is referred to is not the half-yearly or annual tax, but the tax due under the main Act. If the tax-payers want time, it is open to the District Board to give some time. This is only descriptive in the sense that it refers to the half-yearly or annual tax with reference to which a bill has got to be served. The amendment does not at all carry out the intention of Sri Ratnam. So I request him not to press the amendment. This has absolutely nothing to do with what he has in mind.”

3-30
p.m.

SRI A. RATNAM :—“ Sir, I beg leave of the House to withdraw my amendment.”

The amendment was, by leave, withdrawn.

SRI A. RATNAM :—“ Sir, I move—

- ‘ (1) In proposed rule 33 (1) for the words “ fifteen days ”, substitute the words “ one month ”, and delete the words “ With such further sum as will satisfy the probable charges that will be incurred in connexion with the detention and sale of the property so distrained ”.
- ‘ (2) In proposed rule 33 (3), for the words “ and for each such warrant a fee of two annas shall be levied ”, substitute the words “ and for each such warrant form a fee of one anna shall be levied ”.
- ‘ (3) In proposed rule 33 (4) for the words “ sunrise and sunset ”, substitute the words “ 8 a.m. and 5 p.m. ”
- ‘ (4) In the proviso to proposed rule 33 (4) for the words “ until he has given three hours’ notice ”, substitute the words “ 24 hours’ notice ”.

SRI S. RAMALINGAM :—“ I second the amendment.”

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THE HON. SRI K. RAJARAM :—“ These provisions were there in the Act from 1920 to 1950, and we are only re-introducing the provisions. There is no need for these amendments.”.

SRI A. RATNAM :—“ கனம் தலைவர் அவர்களே ! அமைச்சர் சொல்லும் காரணம் திருப்திகரமாக இல்லை. காலே 6 மணி முதற்கொண்டு மாலை 6 மணிவரையில் சொத்துக்களை பறிமுதல் செய்கிறது என்று சட்டம் கூறுகிறது. அதாவது மாலை 6 மணியிலிருந்து என்று இருப்பது இரவு வேலையில் வீட்டிற்குள் புடுத்து சொத்துக்களை பறிமுதல் செய்கிறது என்று சட்டத்தில் இருக்கிறது. பொதுவாக கடன்காரர்கள் பொதுஜன வரியைக் கொடுக்கவில்லை என்பதற்காக அவர்களுடைய சொத்துக்களை பறிமுதல் செய்யவேண்டும் என்று சட்டம் கூறுகிறது. பொழுதுபோகும் நேரங்களில் பறிமுதல் செய்கிறார்கள். அப்படி இருப்பதை ஏன் காலே 8 மணியிலிருந்து மாலை 5 மணிவரையில் என்று குறிப்பிடக்கூடாது என்று கேட்கிறேன். பொழுது விடிந்ததும் கடன்காரர்கள் சொத்துக்களை பறிமுதல் செய்வது

THE HON. SRI K. RAJARAM :—“ இங்கே குறிக்கப்பட்டுள்ளது outer limit-கள் தான்.”

SRI A. RATNAM :—“ அது மட்டுமல்ல. அங்குள்ள பெண்களுடைய சொத்துக்களை அப்பறப்படுத்தச் செய்வதற்கு மூன்று மணி நேர நோட்டீஸ் கொடுக்கவேண்டும் என்று இருக்கிறது. அந்த மூன்று மணி என்பதை 24 மணி நேரம் என்று திருத்தம் கொடுக்கப்பட்டிருக்கிறது. மாதர்களுக்கு விதி விலக்கு அளிக்கவேண்டும் என்பதாகத்தான் இந்த திருத்தத்தைக் கொடுத்திருக்கிறேன். இரவில் 9 மணிக்கு முடிவாகும் இந்த நோட்டீஸ் பிரகாரம் அதை ஏன் காலையில் ஒத்தி வைக்கக்கூடாது என்பதுதான் என்னுடைய திருத்தத்தின் அம்சமாகும். எனவே அரசாங்கம் இதை கூர்ந்து கவனித்து என்னுடைய திருத்தம் திருப்திகரமாக இருப்பதால் அதை ஏற்றுக்கொள்ளவேண்டும். மூன்று மணி நேரம் நோட்டீஸ் என்பதை 24 மணி நேரம் என்று திருத்துவது அவசியமாக இருக்கிறது. மாதர்களுடைய பொருள்கள் காப்பாற்றப்படுவதற்காகத்தான் பிரஜைகளுடைய உரிமையைக் காப்பாற்றுவதற்கு இந்த திருத்தம் அவசியம். அப்பொழுதுதான் அவர்களுடைய உரிமையை காப்பாற்றுவதற்கு மேலாவாக இருக்கும். அவர்களை நசுக்கி அவர்களை ஜெயிலில் போட்டு அவர்களுடைய சொத்துக்களை விற்பனைசெய்து பலன் அடைய வேண்டும் என்பது அரசாங்கத்தின் நோக்கம் இல்லை. இந்த சட்டம் அதைத்தான் கேட்கிறது. ஆகவே பிரஜைகளுக்கு நேரம் கொடுத்து அவர்கள் நல்ல முறையில் வாழ்க்கையை நடத்தவேண்டும் என்பதுதான் அரசாங்கத்தின் நோக்கம். மக்கள் சுபிட்சமாக இருந்தால்தான் இந்த ராஜ்யம் நடக்கும், இந்த அசெம்பிளி நடைபெறும். ஆகவே அரசாங்கம் கட்டாயமாக இந்தத் திருத்தத்தை ஏற்றுக்கொள்ளவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.”

* **THE HON. SRI C. SUBRAMANIAM :—**“ Sir, Sri Ratnam wants that one month should be allowed instead of fifteen days for the recovery of the amount of tax after the service of the notice. The hon. Member is aware that notice is served only after the expiration of six months when the tax becomes due. After the service of notice, the tax-payer is allowed fifteen days to show cause why his property should not be distrained. If valid reasons are given, the property is not distrained. A warrant for the distraint of the property is not issued soon after the expiry of the period of notice. It takes some time—two to three months—in the office. At any time in the interval between the issue of a warrant and the distraint of the property, the tax can be

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paid and the warrant got cancelled. In view of these things, fifteen days' notice is quite reasonable. The hon. Member may take it from me that this provision of fifteen days' notice has not caused any hardship.

“ His next amendment proposes a levy of one anna for each warrant instead of the proposed two annas. One anna or two annas does not make much difference and I am sure he will not be bargaining about it here. If we had proposed one anna, perhaps he would have suggested half an anna. Even for writing out the warrant, it will take labour worth two annas. Therefore we have proposed a fee of two annas.

“ The next amendment proposes that for the words ‘ sunrise and sunset ’ the words ‘ 8 a.m. and 5 p.m. ’ be substituted. It is not as if an officer will go so early as the sunrise; he will go only at about 10 a.m. or after that. When we have put in sunrise and sunset, we have fixed only the outer limit before and after which no officer shall enter a building for executing a warrant of distress. The hon. Member need not improve upon it by substituting ‘ 8 a.m. and 5 p.m. ’. The amendment is quite unnecessary.

“ The provision of three hours' notice is for enabling the ladies who may be residing in a house to withdraw, so that no hardship may be caused to them. For withdrawing from the house, three hours' notice is more than enough. It is possible that there may be difference of opinion as to whether the period of notice should be three hours, five hours or even fifteen days or twenty days. This provision has been there in the other Acts relating to local bodies, and it has worked well.

“ I request the hon. Member to withdraw his amendments.”

SRI A. RATNAM :—“ கனம் தலைவர் அவர்களே, கனம் அமைச்சர் அவர்கள் சொல்லக்கூடிய பிரகாரம் இந்த மூன்றாவது திருத்தத்தை நான் வாபஸ் பெறுகிறேன். ஆனால் 2, 4, 5 ஆவது திருத்தங்களை வாபஸ் பெற முடியாமல் இருக்கிறேன். காரணம் அவர் பதில் சொன்னது திருப்திகரமாக இல்லை. சாதாரணமாக கடன்காரர்கள் ஒரு மாதம் விண்ணப்பம் போட்டு அரசாங்கத்திற்கோ, ஸ்தல ஸ்தாபனங்களுக்கோ 15 நாள் நோட்டீஸ் கொடுக்கவேண்டும். கோர்ட்டு நடவடிக்கைகள் இரண்டு மூன்று மாதங்கள் நடக்கும். அதனால் பதினைந்து நாட்கள் என்பதை ஒரு மாதம் என்று திருத்தவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். அதுதான் என்னுடைய கோரிக்கை. 3-37
p.m.

“ மூன்றாவது திருத்தத்தில் ஒரு அணு என்பது இரண்டு அணுவாக இருக்கவேண்டும் என்பதற்கு கொடுத்த திருத்தம். இரண்டு அணுவாக இருந்தாலும் பாதகம் இல்லை. அதைப்பற்றி கவலை இல்லை. இந்த திருத்தத்தை நான் வாபஸ் வாங்கிக்கொள்ளுகிறேன்.

“ நாலாவது திருத்தம் காலி சூரிய உதயம் முதல்கொண்டு மாலை சூரிய அஸ்தமனம் வரையில் என்று இருக்கவேண்டும் என்ற திருத்தம். இதை நான் வலியுறுத்த விரும்புகிறேன். காலை 6 மணி முதற்கொண்டு மாலை 6 மணி வரையில் என்று இருப்பதை நீக்கிவிட்டு காலை 8 மணி முதற்கொண்டு மாலை 5 மணி வரையில் என்று இருப்பதை அதாவது மூன்று மணி நேரம் குறைக்கக்கூடாதா என்று கேட்க ஆசைப்படுகிறேன்.

[Sri A. Ratnam]

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இந்த திருத்தத்தை அரசாங்கம் ஏன் ஏற்றுக்கொள்ளக்கூடாது? அதற்கு அரசாங்கம் காரணம் சொல்லவில்லை. இந்த திருத்தத்தை நான் அமுலுக்குக் கொண்டுவர வேண்டும் என்று கேட்டுக்கொள்ளுகிறேன்.

“கடைசியாக ஐந்தாவது திருத்தம். 24 மணி நேரம் ஏன் கொடுக்கக் கூடாது என்பதற்கு அமைச்சர் காரணம் கொடுக்கவும் இல்லை, அதற்கு தகுந்த சமாதானமும் சொல்லவில்லை. 24 மணி நேரம் வேண்டும் என்ற திருத்தத்தை நான் வற்புறுத்துகிறேன்.”

MR. SPEAKER :—“நீங்கள் 2, 4, 5 திருத்தங்களை மாத்திரம் வற்புறுத்துகிறீர்களா? மூன்றாவது திருத்தத்தை நீங்கள் வற்புறுத்த வில்லையா?”

SRI A. RATNAM :—“ஆம்.”

The following amendment was, by leave, withdrawn :—

‘In proposed rule 33 (3), for the words “and for each such warrant a fee of two annas shall be levied,” substitute the words “and for each such warrant form a fee of one anna shall be levied”.

THE HON. SRI K. RAJARAM :—“I am not accepting the other amendments.”

MR. SPEAKER :—“The question is—

‘In proposed rule 33 (1) for the words “fifteen days”, substitute the words “one month”, and delete the words “with such further sum as will satisfy the probable charges that will be incurred in connexion with the detention and sale of the property so distrained”.

‘In proposed rule 33 (4), for the words “sunrise and sunset”, substitute the words “8 a.m. and 5 p.m.”.

‘In the proviso to proposed rule 33 (4), for the words “until he has given three hours’ notice”, substitute the words “24 hours’ notice”.

The amendments were put and lost.

The motion was put and carried.

(4) REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

3-45
p.m.

* THE HON. SRI C. SUBRAMANIAM :—“Sir, I move—

‘That the Report of the Public Accounts Committee on the Accounts of the State of Madras for the year 1949-50 be taken into consideration.’

“Hon. Members may be a little bit surprised to see that we are considering the accounts of the year 1949-50 only just now after nearly four years. But we could not avoid it, because copies of the Appropriation Accounts for 1949-50 and the audit report were received from the Accountant-General, Madras, only in April 1952. They were laid on the table of the previous Legislature in May 1952. The Public Accounts Committee which was constituted for the purpose of scrutiny of this report met in

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October 1952 and again in March 1953 when it finished consideration of the Appropriation Accounts. After that we were in the throes of Andhra partition. Therefore, even though the subject was on the agenda for very many days, we were not inclined to discuss it. Therefore I have to bring it before the House only now. The Andhra Legislature also will have to consider this report because it relates to the accounts of the Andhra area also. I am sure they will be taking action there. Hon. Members might remember that Mr. T. Viswanatham, who was the Chairman of the Public Accounts Committee, ceased to be a Member of this House and, therefore, ceased to be the Chairman of the Public Accounts Committee. This also caused some delay in the Public Accounts Committee meeting and submission of this report. Afterwards the Committee met under the chairmanship of Mr. R. V. Swaminathan, and finalised the consideration of the report. Let me take this opportunity of placing on record my sincere thanks to the Chairman who conducted the meeting, and also the members of the committee who carefully scrutinized all the items mentioned by the Accountant-General. The Report of the Public Accounts Committee is now before the House, and I am sure some of the hon. Members at least would have taken care to go through the report. Of course it is very old. But still certain things have been pointed out by the Public Accounts Committee for the future guidance of the Government. I give the assurance to this House that I will take note of all the points mentioned by the Public Accounts Committee and see that at least those mistakes do not recur. It is not as if no mistakes would be committed at all, because mistakes might creep in in spite of ourselves. But we shall try to avoid those mistakes which have been pointed out. We shall see that those mistakes do not recur. With his assurance, I hope the House would pass this motion. Since we are going to take up the Malabar Tenancy Bill only to-morrow, as soon as discussion on this motion is over, we will disperse immediately. (Laughter.) I hope this will be an inducement to hon. Members to be short and sweet."

MR. SPEAKER :—" Motion moved—

' That the Report of the Public Accounts Committee on the Accounts of the State of Madras for the year 1949-50 be taken into consideration.' "

SRI K. R. VISWANATHAN :—" Sir, I move the amendment standing in my name, namely,—

' Add at the end of the following :—

" with special reference to the remarks under ' Unprofitable Outlay, on the purchase of diesel buses and the appointment of an Estimates Committee (paragraphs 8 and 26 of the Report).'" "

SRI S. RAMALINGAM :—" I second the amendment, Sir."

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MR. SPEAKER :—“ Motion moved—

‘ Add at the end the following :—

“ with special reference to the remarks under ‘ Unprofitable Outlay, on the purchase of diesel buses and the appointment of an Estimates Committee (paragraphs 8 and 26 of the Report). ’ ”

The motion and the amendment are before the House for discussion.

* SRI K. R. VISWANATHAN :—“ கனம் தலைவர் அவர்களே, கனம் அமைச்சர் அவர்கள் கூறியபடி அரசாங்க கணக்குகளை பார்வையிட்ட ஆராய்ச்சிக்கு குழு அறிக்கையானது நம் சபையின் முன்பு இப்பொழுது சமர்ப்பிக்கப்பட்டிருக்கிறது. இந்த குழுவின் வேலை என்ன என்பதைப் பற்றி நாம் அறிவோம். எந்தெந்த காரணங்களுக்காக வரவு செலவு திட்டத்தில் தொகைகள் ஒதுக்கப்பட்டிருக்கின்றனவோ அந்தந்த காரியங்களுக்கு அவைகள் செலவழிக்கப்பட்டிருக்கின்றனவோ அல்லது வீணாக செலவழிக்கப்பட்டிருக்கின்றனவோ என்று பார்த்து அறிக்கை அனுப்பிவிட வேண்டும் என்று ஆராய்ச்சிக்கு குழு அமைக்கப்பட்டது. அவர்களுடைய அறிக்கையும் நமது கையில் இருக்கிறது. அந்த அறிக்கையில் கண்ட ஒரு சில விஷயங்கள் நம் எல்லோருக்கும் தெரிந்தவை. கனம் மந்திரி கூறியவாறு குற்றம் குறைகள் அங்கங்கே இருக்கின்றன. அவைகளை ஆராய்ச்சிக்கு குழு ஆராய்ந்து முடிவுசூறி இருக்கிறார்கள். அந்த மாதிரியான குற்றம் குறைகள் இனிமேல் நிகழாது இருக்கும்படி காரியங்களைச் செய்வோம் என்றும் குறிப்பிட்டார்கள். அந்த குற்றங்களுக்கு இப்பொழுதுள்ள சர்க்கார் காரணம் இல்லை என்றாலும் கூட பெரும் குற்றங்கள் இனிமேல் நிகழாது இருப்பதற்கு நாம் அவைகளை பரிசீலனை செய்வதன் மூலம் நம்முடைய கடமையைச் செய்ய இந்த தலைப்பை மாத்திரம் எடுத்துக்கொண்டு நான் பேச விரும்புகிறேன்.

3-50
p.m.

“ இந்த அறிக்கை 1949-50-ம் வருஷ வரவு செலவு கணக்குகளைப் பற்றியதாகும். எந்த வருஷத்திய கணக்காக இருந்தாலும் அப்பொழுது இருந்த மந்திரி சபையோ அல்லது உத்தியோகஸ்தர்களுோ தான் அதற்குக் காரணமாக இருந்தார்கள் என்பதை மறக்க முடியாது. மந்திரிகளும் காரணமாக இருந்திருக்கலாம் அல்லது அப்பொழுதுள்ள உத்தியோகஸ்தர்களும் காரணமாக இருந்து இரக்கலாம். மந்திரிகள் இன்றைக்கு இருக்கக் கூடிய உத்தியோகஸ்தர்கள்தான் இவைகளுக்கு பொறுப்பாக இருக்கக்கூடாது என்பது தான் என்னுடைய வேண்டுகோள். அப்படி இனிமேல் இருக்க விடக்கூடாது என்பது தான் என்னுடைய வேண்டுகோள். இது மந்திரிகளுடைய பொறுப்பாக இருக்கவேண்டும். எந்த அரசாங்கமாக இருந்தாலும் உத்தியோகஸ்தர்கள் சரியான முறையில் ஒதுக்கப்பட்ட பணத்தை அந்தந்த வழிகளில் செலவழிக்க பொறுப்பாளிகளாக இருக்கவேண்டும். பொறுப்புத் தவறி நடக்கவிடக்கூடாது. இந்த பொறுப்பையும் கடமையையும் அவர்கள் உணரவேண்டும் என்பதற்காகத்தான் இதை வற்புறுத்திச் சொல்ல விரும்புகிறேன்.

“ முதலாவதாக எடுத்துக் கொண்ட தலைப்பின் கீழ் இந்த அறிக்கையில் கண்படி நம்முடைய மாகாண சர்க்கார் 1949-50-ல் ‘ 25 டீசல் பஸ்களை ’ வாங்கி இருக்கிறார்கள். அதையும் இடாலிலிருந்து வாங்கி இருக்கிறார்கள். அந்தக் கார் ஒவ்வொன்றும் ரூ. 50 ஆயிரத்திற்கு மேல் வாங்கப்பட்டிருக்கிறது. அம்மாதிரி வாங்கி அங்கிருந்து இங்கு கொண்டு வரப்பட்டன. அந்தக் கார்களில் ஏதாவது பழுது ஏற்பட்டால் அவைகளை திருத்தி அமைப்பதற்கும் அதை ஒட்டுவதற்கு வசதி செய்து கொடுக்கும்படிக்கும் அங்கிருந்து திறமையிடுக்க பழுது பார்க்கும் இஞ்சினியர்களையும் கொண்டு வந்திருக்கிறார்கள். அவர்களுக்கு ரூ. 2,000 செலவு செய்திருக்கிறார்கள். அந்த முறையில் லட்சக்கணக்கான ரூபாய் செலவழிக்கப்பட்டிருக்கிறது.

4th January 1954] [Sri K. R. Viswanathan]

அந்த 25 கார்களும் இந்த மாகாணத்திற்கு கொண்டுவந்த பிறகு என்ன நேர்ந்தது என்றால் அங்கிருந்து வந்திருந்த இஞ்ரனியர்களுக்கும் கார்களுக்கும் செலவு செய்த பிறகு அந்த கார்கள் ரோடில் போவதற்கு தகுதியாக இல்லை. இந்த நிலையில் அவைகள் இருந்தன என்பதைப் பார்த்து வருத்தப்பட வேண்டியதாக இருக்கிறது. ரோடுகளில் போவதற்கு தகுதி இல்லாத கார்களை ஏன் வாங்கவேண்டும்? இதுபற்றி அக்கௌண்டன்ட் ஜெனரல் கேட்ட கேள்விகளுக்கு சம்பந்தப்பட்ட இலாகாவின் கூறுகிறார்கள் 'சில கார்கள் ரோடுகளில் போகாமல் இருப்பது சகஜம் தான். அதுபோல் புதிய டீசல் கார்கள் நகராமல் இருப்பது ஒன்றும் புதிதல்ல' என்று கூறுகிறார். (அவருடைய சமாதானம் என்னவென்றால், 'It is a normal feature that buses are off the road for some reason or other for a time, that there was nothing exceptional about the diesel buses remaining idle for a period before they were put on the road. சாதாரணமாக கார்கள் பழுது ஆகி நிற்பது சகஜம் தான். டீசல் பஸ் 25 கார்கள் நிற்பது புதிது ஒன்றும் இல்லை. அவைகள் பழுதுபடாமல் நிற்பதும் மிகவும் ஆச்சரியம் இல்லை என்று அவர் சமாதானம் கூறுகிறார். இதைத்தான் நானும் குறிப்பிட வேண்டி இருக்கிறது. டீசல் கணக்கான ரூபாய் பணத்தைப் போட்டு வாங்கி நிபுணர்களைக் கொண்டு வந்து அதன் பிறகு கார்கள் ஓடவில்லை என்றால் பொறுப்பற்ற முறையில் பணம் செலவு செய்யப்பட்டிருக்கிறது என்பதைக் குறிப்பிட விரும்புகிறேன். இப்பொழுது டீசல் யந்திரங்களை எடுத்துவிட்டு பெட்ரோல் யந்திரங்களை வைத்து ஓட்டவேண்டிய அவ்வளவு அவசியம் ஏற்பட்டிருக்கிறது. இதற்காகவா டீசல் கணக்கான பணம் செலவு செய்யப்பட்டிருக்கிறது. இந்த அளவில் ஒன்றை முக்கியமாக கவனிக்கவேண்டும். இந்தியாவிலுள்ள ஒரு தரகு கம்பெனி மூலமாக இடாலியிலிருந்து இந்த பஸ்கள் வாங்கப்பட்டிருக்கின்றன. அந்த தரகு கம்பெனி சர்க்கார் உத்தியோகஸ்தர்களுக்கும் மந்திரிகளுக்கும் வேண்டியவர்களாக இருந்து இருக்கிறார்கள். அதன் மூலம் தமக்கு வேண்டியவர்களுக்கு செளகரியம் செய்யவேண்டும் என்ற இந்த ஒரே நோக்கத்துடன் இந்த கார் வியாபாரம் செய்யப்பட்டிருக்கிறது என்று தெரியவந்தது. ஆகவே அந்த தரகு கம்பெனியாருக்கு செளகரியம் செய்ய வேண்டும் என்ற ஒரே நோக்கத்தோடு இந்த காரியத்தை என் செய்ய வேண்டும் என்று கேட்கிறேன். சர்க்கார் பணம் அதனால் விரயம் ஆக்கப்பட்டது என்பது தெரிகிறது. இது மறுபடியும் நிகழாமல் இருக்கவேண்டும் என்பதற்காகத்தான் இதை எடுத்துக் காட்ட விரும்புகிறேன். அது மட்டும் அல்ல. மூன்று நாளுக்கு வருஷத்திற்கு முன்பு உள்ள கணக்குகளைப் பார்த்தால் பழம் கணக்காகி விடுகிறது அதைப்பற்றி பேசுவதில் பயன் ஒன்றும் இல்லை என்று பேச படுகிறது. அந்தந்த வருஷக் கணக்குகளை அந்தந்த வருஷத்தில் ஆராய்வதற்கு ஒரு 'எஸ்டிமேட் கமிட்டி' அமைக்க வேண்டும் என்று இந்த அறிக்கையில் கடைசி பாராவில் சொல்லப்படுகிறது. அதன்படி 'எஸ்டிமேட் கமிட்டி' அமைத்து அந்தந்த வருஷ கணக்குகளை ஆராய்ச்சி செய்வதற்கு வேண்டிய நடவடிக்கை எடுத்துக்கொள்ளவேண்டும் என்றும் கேட்டுக்கொள்ளுகிறேன்.

“அதற்கு அடுத்தபடியாக இந்தக் கணக்கு ஆராய்ச்சிக் குழுவில் இருக்கும் உறுப்பினர்கள் ஓரளவிற்கு இந்தக் கணக்குகளை ஆராய்ச்சி செய்யக்கூடிய அளவிற்கு திறமையுள்ளவர்களாக இருக்கிறார்களா என்றால் பலபேர்கள் கணக்குகளை அறிந்து கொள்வதற்கும் அரசாங்கக் கணக்குகளில் வரும் சொற்களைப் பொருள்களை அறிந்துகொள்ள முடியவில்லை என்று தான் . . .”

MR. SPEAKER :—“அவர்கள் இந்த அசெம்பிளியால் தேர்ந்தெடுக்கப்பட்டவர்கள் தான். அவர்களுக்கு தெரியாது என்று சொல்வது தவறு. அவர்கள் திறமைசாலிகள் அல்ல என்று சொன்னால் அது இந்த சபையை அவமானப்படுத்துவதாகும். அப்படிச் சொல்லக்கூடாது. அப்படிச் சொல்வது தவறு.”

SRI K. R. VISWANATHAN :—“அவர்கள் புரிந்துகொள்ள முடியாத பல சொற்கள் இருக்கின்றன.”

[4th January 1954]

Mr. SPEAKER:—“அப்பொழுது ஏன் அவர்களுக்கு வோட் போட்டார்கள். அப்பொழுதே தான் நீங்கள் இதை ஆட்சேபித்திருக்கவேண்டும்.”

SRI K. R. VISWANATHAN:—“இதில் என் போன்றோர் புரிந்து கொள்ளவேண்டிய சொற்கள் உதாரணமாக “unremedied excess suspense heads” போன்றவை இருக்கின்றன. இந்தத் துறையில் பழகினவர்கள் இல்லை என்று சொல்ல வருகிறேன். ஆகவே ஒன்று இரண்டு வருஷங்கள் இந்த ஆராய்ச்சிக் குழுவில் பழகினவர்கள் இதில் இருந்தால் நலமாக இருக்கும் என்பது என்னுடைய சொந்த அபிப்பிராயம் என்பதை தெரிவித்துக் கொள்ளுகிறேன். இத்துடன் என் பேச்சை முடித்துக் கொள்ளுகிறேன்.”

SRI K. VINAYAKAM:—“Sir, as the Hon. the Minister for Finance admitted in the beginning that we were considering only the Report of the Public Accounts Committee on the accounts for the year 1949-50 in the year 1954, after a lapse of four years, I am likely to be convinced by the arguments advanced by him in the later stages that the Report was submitted to the Government by the Accountant-General only in 1952. I do not see any inordinate delay on the part of the Government after it was received by them. There was scope for delay on the part of the Government because of the partition of the State. But could not something have been done to hasten the submission of the Report to the Government by the Accountant-General? What exactly was the cause for this kind of delay? The accounts must have been ready after the lapse of the year 1950. Then, is it necessary that two years should be taken to go through the accounts and certify that they may be brought before the Assembly? If the Hon. Minister could throw more light on this aspect of the question, we shall be grateful to him.”

4 p.m. **SRI S. RAMALINGAM:**—“கனம் சபாநாயகர் அவர்களே, 1949-50 வது ஆண்டிலேதான் நம்முடைய சர்க்கார் “அனுமார்” என்ற ஒரு ஏரோப்ளேனை வாங்கினார்கள். மந்திரிகளுடைய பிரயாணத்திற்காக அந்த ஏரோப்ளேனை வாங்கினார்கள். அந்த ஏரோப்ளேனை வாங்கினார்களே, அதில் பறந்தார்களா என்றால், அதிகம் பிரயாணம் செய்ததாகத் தெரியவில்லை. ஒரு தடவை இரண்டு தடவை பறந்திருப்பார்கள் என்று நினைக்கிறேன். அவர்கள் அதில் பறந்ததைவிட, அதற்காக ரிப்பேர் செய்த தொகை ரொம்ப அதிகம். அது பறந்ததைவிட இறங்கினதுதான் ஜாஸ்தி. பிறகு, அதை விற்பதற்கு முயற்சி செய்தார்கள். ஆனால், அதை வாங்குவதற்குக் கூட ஆள் இல்லை. கடைசியில் அதை இலமாக மத்திய சர்க்காருக்குக் கொடுத்திருப்பதாக ரிபோர்ட்டிலிருந்து தெரியவருகிறது. ஒரு பழமொழி ஒன்று சொல்வதுண்டு. ஒரு ஏழைக்கு யானையொன்றை தானமாக கொடுத்தது போதாதென்று அந்த யானையைப் பராமரிப்பதற்கான செலவுத் தொகையையும் கொடுக்க வேண்டியிருந்ததாம். அதுபோல, அந்த ஏரோப்ளேனை மத்திய சர்க்காருக்கு இலமாகக் கொடுத்தது போக, அதற்கான நிர்வாகச் செலவையும் நமது சர்க்கார் கொடுத்திருக்கிறார்களோ என்னமோ தெரியவில்லை.

“ஸ்டேட் ட்ரேடிங் ஸ்கீம்கள்” என்ற முறையில் சர்க்கார் வியாபாரங்கள் நடத்தும்போது பலவிதமான நஷ்டங்கள் சர்க்காருக்கு ஏற்பட்டிருக்கிறது. குறிப்பாக நெல் அறைப்பதற்காக சில இயந்திரங்கள் வாங்கி, அதைப் பல இடங்களில் கூட்டுறவு சங்கங்கள் ஏற்படுத்தி, அதன் மூலமாக ‘எக்ஸ்-ஸெர்வீஸ்மென்’ களுக்கு வேலை கொடுப்பதற்கென்று பல லட்சக்கணக்கான ரூபாய்களை வீண விசயம் செய்திருக்கிறது. அந்த இனங்களில் லாபம் இல்லாதது தவிர, வேலை செய்யக்கூடிய தொழிலாளிகளுக்கு சரியான ஊதியம் கூட கிடைமறுது.

4th January 1954]

[Sri S. Ramalingam]

“கையினால் பேப்பர் செய்கிறோம் என்று 3 அல்லது 4 யூனிட்களை ஆரம்பித்து, அதில் எந்த விதமான லாபமும் சர்க்காருக்குக் கிடையாது. அதிலும் சர்க்காருக்கு பெரிய நஷ்டம் ஏற்பட்டிருக்கிறது. அதையும் சர்க்கார் கவனிக்கவேண்டும்.

“விவசாய இலாகாவில் விவசாயத்திற்கு வேண்டிய கருவிகளெல்லாம் வாங்கி வைத்திருக்கிறார்கள். விவசாயிகளின் நன்மைக்கு என்றும், விவசாயிகளுக்கு விநியோகம் செய்கின்றோம் என்று சொல்லி வேண்டாத கருவிகளையெல்லாம் பணம் கொடுத்து வாங்கி வைத்தார்கள். அவைகளெல்லாம் விநியோகிக்கப்படாமல் ஒன்றுக்கும் உதவாமல் சர்க்கார் விவசாய இலாகாவைச் சேர்ந்த கிடங்கில் கிடக்கின்றன.

• “ஆகவே, இம்மாதிரியெல்லாம் பொதுமக்களுடைய பணத்தை 1949-50 வது ஆண்டில் பொதுமான கவனம் செலுத்தாமல், பஞ்ச காலத்தில் ஜனங்கள் கஷ்டப்பட்டுக்கொண்டு செலுத்திய வரிப்பணத்தை, இவர்கள் தங்களுக்கு தோன்றியதன்மாத் செலவழித்திருக்கிறார்கள். அந்தமாதிரி இருக்கக்கூடாது. இனிமேலாவது கனம் மந்திரி அவர்கள் ஒத்துக் கொண்டது போல மிகவும் கட்டுப்பாடுளும், கண்காணிப்புடனும் செலவு செய்ய வேண்டுமென்று கேட்டுக்கொள்ளுகின்றேன்.”

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, I am grateful for the various suggestions put forward by the hon. Members. But I am unable to accept the statement made by the hon. Member Sri Viswanathan that the purchase of the diesel buses was put through to favour certain persons. There are no materials to warrant such a conclusion. Without such materials and especially when the Minister concerned is not alive now, it is uncharitable to make such a remark. Even though the Government might have incurred a loss on that account, without sufficient materials, we should not level a charge that some favouritism was practised by any particular Minister. Apart from that, we have to take into consideration the conditions prevailing in 1948 when the Government wanted to nationalise the City bus transport as such. The diesel buses were supposed to be very economical and they were not available from British sources which were supposed to be generally reliable. Therefore, the Government had to purchase all these buses from Italy. Unfortunately, we are wiser after the event. After some time, it was found that the diesel engines were not rendering useful service. Therefore, the Government had to change from diesel engines to petrol-driven engines. As a matter of fact, we are now changing many of the buses from petrol to diesel because the latter is more economical. But, unfortunately, in the cases referred to by the hon. Member, we had to change from diesel to petrol and consequently we had to incur an extra expenditure. To that extent, I agree it has been a loss to the public exchequer.”

SRI K. VINAYAKAM :—“ It is stated that one such bus purchased during that period is still missing. Is it a fact? ”

* THE HON. SRI C. SUBRAMANIAM :—“ The hon. Member seems to have very useful information. If he has such information, he may pass it on to me. I shall verify and if it is true and if anybody is responsible for that, action will also be taken. It is true that we had to incur a certain extra expenditure in this

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case. That is why we have now constituted an expert committee for the purpose of making these purchases. That expert committee goes into the entire matter and then makes recommendations to the Government. It is only after taking into account the expert committee's recommendations that we now make our purchases. Therefore I may assure the hon. Members that we will take as much care as possible so that in the purchase of these buses and other articles there may not be unnecessary loss to the public exchequer. He also referred to some of the new technical words with which the hon. Members were not conversant. I may tell the hon. Members that I too was finding some difficulty in regard to this matter. If only we make an attempt, we can understand them. Those are merely technical words. I only request the hon. Members to become conversant with those words. It is not as if it is very difficult to understand them. It is an easy job if only they refer to a dictionary. Or, if they pass on to me a list of such words with which they are not conversant, I shall have a note prepared in the Finance Department giving their meaning and explaining those words and terms, and circulate it to all the hon. Members.

"With reference to the caution given by the hon. Member Sri Ramalingam, I have taken note of it. I may give the assurance to the House that we shall try to be as careful as possible with regard to public money which is entrusted to us. We will try our best to see that no unnecessary expenditure is incurred and no unnecessary loss is incurred by the Government. With that assurance, I request the hon. Member Sri Viswanathan to withdraw his amendment. The point is no useful purpose will be served by discussing that particular item. There are three or four items as mentioned by hon. Member Sri Ramalingam. It is not as if there is only one particular item to take note of. We have to take note of all the items brought to our notice. Under these circumstances, I request him not to press his amendment."

SRI K. R. VISWANATHAN:—"What about the appointment of an Estimates Committee, Sir?"

* THE HON. SRI C. SUBRAMANIAM:—"With regard to the appointment of an Estimates Committee, I have just now got information about the procedure followed in Parliament. I will go through it. If I find that it will facilitate matters here, I will certainly take steps to constitute an Estimates Committee. However, I find there is a little difference between what is happening in the Central Government and in the State Government have. This point will have to be examined. After examination of this point is completed, I will certainly inform the House what action I am going to take in this regard."

MR. SPEAKER:—"Apart from that, if an Estimates Committee is to be appointed, our rules have got to be changed. We must make some amendment to our present rules. An amendment in this regard has already been proposed for consideration by

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the Rules Committee. It would be circulated to the hon. Members who have been recently appointed as members of that Committee. I hope my suggestion to have an Estimates Committee will be before the Rules Committee very soon for discussion."

* THE HON. SRI C. SUBRAMANIAM :—" I am grateful to you, Mr. Speaker. The Committee constituted to go into the rules may go into this question also. I will place before the Committee whatever is necessary. If they come to the conclusion that an Estimates Committee is necessary, certainly I will be the last person to object to its constitution."

SRI K. VINAYAKAM :—" The Hon. Minister was not kind enough to say why the report was not brought to the notice of the Government in time by the Accountant-General."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, the Accountant-General has to go into the accounts after they are completed. The financial year ends with March 31st. But actually, the accounts are kept open till about October for the purpose of adjustment. We are able to submit the accounts to him by the end of that year and then he has to call for explanations from the various departments and there has been some delay, in respect of these explanations for which the various departments were taken to task during the proceedings of the Public Accounts Committee. We have issued instructions that as soon as explanations are called for by the Accountant-General, they should be immediately submitted and that there should be no avoidable delay. So we are already looking into the matter. With the best of efforts, it will not be possible for the Accountant-General to report before 15 or 18 months. That is the whole trouble. I have talked over the matter with the Accountant-General and have requested him to expedite the report as far as possible so that we may have some interest in the discussion. If the report relates to the past 3 or 4 years, we lose interest. I hope we will discuss the report relating to 1952-53 in the next year."

SRI K. R. VISWANATHAN :—" I withdraw my amendment, Sir."

The amendment was, by leave of the House, withdrawn.

MR. SPEAKER :—" The question is—

' That the Report of the Public Accounts Committee on the Accounts of the State of Madras for the year 1949-50 be taken into consideration.' "

The motion was put and carried.

MR. SPEAKER :—" The House will now adjourn and meet again at 9 a.m. to-morrow."

The House then adjourned.



வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS